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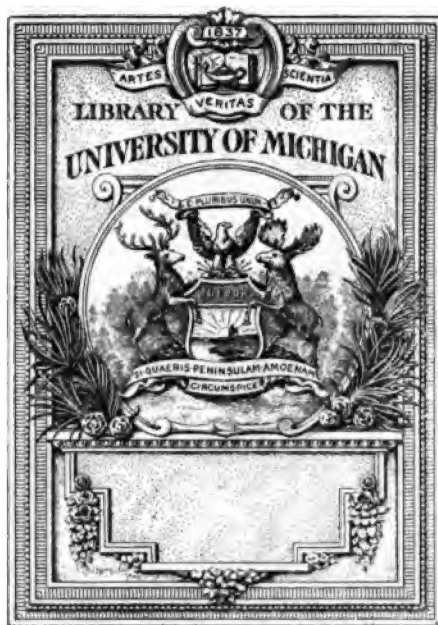
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PUBLICATIONS

OF

*The Colonial Society of Massachusetts*

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TRANSACTIONS

1904-1906



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**OF**

**The Colonial Society of Massachusetts**

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**1904-1906**



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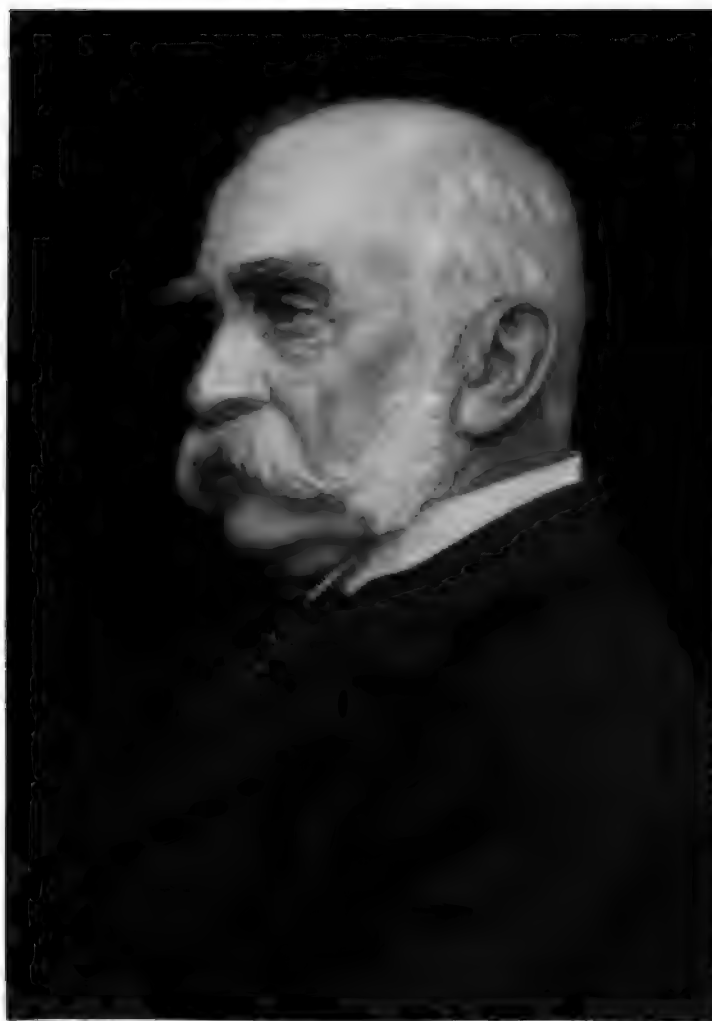
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James C. Carter

*Engraved for The Colonial Society of Massachusetts  
from a photograph from life*

PUBLICATIONS  
OF  
**The Colonial Society of Massachusetts**

VOLUME X

---

TRANSACTIONS

1904-1906



BOSTON  
PUBLISHED BY THE SOCIETY  
1907



University Press:  
JOHN WILSON AND SON, CAMBRIDGE, U.S.A.

## PREFACE

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**V**OLUME X, now issued, contains the Transactions of the Society at twelve Stated Meetings, from December, 1904, to November, 1906, both included, in continuation of Volume VIII. Volume IX was assigned to the Collections and contains a Check-List of Boston Newspapers, 1704-1780.

The papers in Volume X cover the usual variety of subjects. Among the more important communications are those on the Rebellion of 1766 in Harvard College, the Origin of the Porcellian Club, the Witchcraft Episode in Massachusetts, the Protest against the Incorporation of Boston in 1714, the Beginnings of Stock Speculation, and one entitled *Was the Government of the Massachusetts Bay a Theocracy?* The interest of many readers, however, will naturally centre in the proceedings of the Stated Meeting in January, 1906, which was dedicated to a commemoration of the Bicentennial of the Birth of Franklin.

The volume also contains tributes to the memory of JAMES COOLIDGE CARTER and JAMES MILLS PEIRCE; and *Memoirs of SAMUEL WELLS*, by Charles Montraville Green, of SIGOURNEY BUTLER, by Lindsay Swift, and of ROBERT CHARLES WINTHROP, JR., by Henry Herbert Edes.

The Illustrations are unusual in number and interest, especially those relating to Franklin and his family and to the long-lost Massachusetts Election Sermon of 1669 by John Davenport, which is wholly reproduced in facsimile, accompanied by the best engraving yet made of Davenport's portrait at New Haven. The Committee gratefully

acknowledges the Society's indebtedness to several public officials for permission to reproduce precious originals in their custody, and to many friends for similar courtesies and also for the gift of plates, namely: to the Trustees of the Boston Public Library, the Secretaries of the American Philosophical Society, the Corporation of Yale University, the City Registrar of Boston, the Minister and Deacons of the Old South Church, Boston, the Wardens and Vestry of Christ Church, Philadelphia, Dr. Edward Andem Whiston, Mr. William James Campbell of Philadelphia, Mrs. Sterling Smith of Brooklyn, New York, Mrs. Charles Theodore Carruth, Mr. Charles Butler Brooks, Mr. Francis Henry Lee, Mr. Francis Randall Appleton, and Mr. Henry Herbert Edes; and to the families of James Coolidge Carter, Robert Charles Winthrop, Jr., Samuel Wells, and Sigourney Butler, for the gift of portrait plates to accompany Memoirs or tributes which appear in this book.

The Committee also gratefully acknowledges the continuance of the generous interest of our associate Mr. FREDERICK LEWIS GAY, frequently manifested, in providing at his own charge some of the most interesting and valuable illustrations which have appeared in the Society's Publications.

Volumes II, IV, and IX are assigned to the Collections. Volume IX will be published shortly, Volume IV is well advanced, and Volume II is in preparation.

For the Committee of Publication,

JOHN NOBLE,  
*Chairman.*

BOSTON, 26 April, 1907.

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1907

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Hon. JOHN CHANDLER BANCROFT DAVIS,	1907
LL.D.	THOMAS WILLING BALCH, LL.B.
	HENRY LELAND CHAPMAN, D.D.

# TRANSACTIONS

1904-1906

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

TRANSACTIONS  
OF  
THE COLONIAL SOCIETY OF MASSACHUSETTS.

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DECEMBER MEETING, 1904.

A STATED MEETING of the Society was held at No. 25 Beacon Street, Boston, on Thursday, 22 December, 1904, at three o'clock in the afternoon, the President, GEORGE LYMAN KITTREDGE, LL.D., in the chair.

The Records of the Annual Meeting were read and approved.

The PRESIDENT announced that, in pursuance of the changes in the By-Laws made at the Annual Meeting, the Council had elected Mr. ALBERT MATTHEWS Editor of Publications for the ensuing year.

Mr. LINDSAY SWIFT made the following communication :

JOHN DAVENPORT'S ELECTION SERMON OF 1669.

The recent purchase by the Boston Public Library of a hitherto unknown Massachusetts Election Sermon gives me an opportunity to say a few words on a subject which I sought to treat with some thoroughness several years ago.<sup>1</sup> There were thirty occasions on which the Election Sermon is known to have been preached, but not known to have been printed; nineteen of these occasions were before the year 1675, and among them I was obliged to include that for the year 1669, when John Davenport preached. Cotton Mather, in his life of Davenport, — Chrysostomus Nov-Anglorum, as he calls him, — says: "Nor would I forget a Sermon of his on 2 Sam. 23.3. at the Anniversary Court of *Election at Boston* 1669. after-

<sup>1</sup> Publications, i. 383-451.



wards Published."<sup>1</sup> I had then no evidence that Mather had ever seen this sermon, but I am now sure, by comparing his words with Davenport's text, that he used it freely, and even copied in effect certain passages from it.

But with the exception of Mather we cannot say with assurance that any person devoted to New England history has ever seen or used a copy, since the work appeared in 1670. This bibliographical and historic treasure was for the first time to our knowledge brought to public attention in the Catalogue of the Library of Robert Proud, the historian of Pennsylvania, which was sold at the auction rooms of Davis and Harvey in Philadelphia, on 8 May, 1903, and the days following, under the direction of S. V. Henkels. The sermon was numbered 587 in the catalogue. It was sold to Dodd, Mead and Company for \$180; and in February, 1904, this firm sold it to the Public Library for \$250.

The Proud Catalogue describes it as a "Beautiful copy of an exceedingly rare Boston imprint, replete with early New England history." This is true so far as it goes, but the maker of the catalogue, and possibly the owner of the sermon, had probably no knowledge of its exceeding preciousness. Since the existence of Davenport's sermon has been only a legend for over two hundred years, with no facts to support it; and since those industrious collectors, Thomas Prince and Samuel Sewall, failed to secure copies, it is not unreasonable to assume that this copy is unique. But why? Although these early Election Sermons are all rare and hard to buy, copies of them do turn up occasionally. John Davenport's other works are not choice in the way that the Bay Psalm Book or the Indian Bible is choice. I can offer no suggestion, unless it be that the deceased minister's executors, realizing that the estate was encumbered by the unsold and unsalable remnant of an edition, quietly "used their judgment" and destroyed it. The sermon was preached on 19 May, 1669, and on March fifteenth following Davenport died, possibly too feeble before his death to have had much to do with the preparation of the work for the press. The date of imprint indicates that he could have had no hand in the personal distribution of copies. Mr. Franklin B. Dexter wrote in 1875, "not a copy is now discoverable." The Boston Public

<sup>1</sup> Johannes in Eremo, Boston (1695), p. 25; and see the *Magnalia* (1702), book iii. chap. iv. § 12, p. 56.

Library gives Cambridge as the place of imprint, but Mr. Julius H. Tuttle, Assistant Librarian of the Massachusetts Historical Society, good authority in such matters, thinks that this sermon was printed in London, although he is confronted with the fact that there is no entry of the title in Arber's Term Catalogues. Certainly it is not so good a piece of work as Davenport's *Gods Call to His People*, printed the year before at Cambridge by Samuel Green and Marmaduke Johnson for John Usher in Boston, and entered, by the way, in Arber's Term Catalogues (I. 35) as also printed in London in May, 1670. If Mr. Tuttle's judgment is not in error, and the date of imprint means New Style, the Election Sermon could not have arrived from London until after the death of Davenport. It is possible that the references, to be mentioned later, in the sermon to the dissatisfactions in the First Church which led to the formation of the Third (Old South) Church caused those who had the power to do so to suppress the edition, with the exception perhaps of a few copies. But this is all mere conjecture, however certain it is that these inter-ecclesiastical difficulties hastened John Davenport's death.

The book itself and its contents deserve some attention. It is a small quarto, with trimmed edges, and measures seven and a quarter inches in height by five and a half inches in width. The title-page is sightly, with its large and well-balanced type superior to that within. The text is from 2 Samuel, XXIII. 3: "The God of Israel said, the Rock of Israel spake to me, He that ruleth over men must be just, ruling in the fear of God." It is of the conventional pattern — this sermon — with mingled learning and exhortation on the duties of the true ruler. With a scholar's familiarity, the preacher quotes from Durandus, Nazianzen, and the Syriac, but mostly from Holy Writ.

A few years before, in 1662, Davenport had been among the minority in the Synod which sat in Boston to ponder the grave matter of consenting to the admission of baptized children to the privileges of the church, and in particular to the offering, by them, as adults, their own offspring for baptism, though without profession of faith on their own part. John Davenport was opposed to the Half-Way Covenant and all such innovations, and, polemic as he was by nature, could not refrain seven years later from making a few indirect references to the dangers of synods and councils.

He advises his hearers to —

Avoid carefully imposing upon anything that Christ hath not put upon them, viz. I. Men's opinions, especially when they are such as prevailed in an hour of temptation, though consented to by the major part of a Topical Synod yet disliked by some of themselves, and by other godly ministers.

Davenport also referred, in all likelihood, to the troubles in the First Church in Boston, which finally led to the leaving of twenty-eight members who "after much tribulation, and by the aid of the first well-marked *Ex-parte* Council ever held in New England"<sup>1</sup> became the Third or Old South Church. A full account of the peculiar circumstances under which Davenport came from New Haven to Boston — circumstances which largely contributed to the separation of some of the members — is in the History of the Old South Church by Hamilton A. Hill, who mistakenly gives the text of our election sermon as from 1 Samuel, XXIII. 5. This reason is also accepted by Thomas Pemberton.<sup>2</sup> It was Mr. Hill's opinion that Davenport referred in the sermon to the immediate controversy and to the schismatic opponents of his installation. It seems that the Deputies, who favored the side of the Old Church, "passed the customary vote of thanks" for the sermon, but that the Assistants refused to concur because Davenport had shown himself a partizan on the occasion of its delivery.

A remonstrance was therefore sent down to the deputies, declaring the vote of thanks "to be altogether unseasonable, many passages in the said sermon being ill-resented by the Reverend Elders of other churches and many serious persons," and the request was made that "they would forbear further proceeding therein." Governor Bellingham, who was in the chair, refused to put the question on sending down this remonstrance, and at the call of his associates it was put by Simon Bradstreet, who himself, a few years later, became a member of the Third Church. The deputies, however, refused to give way.<sup>3</sup>

Surely there were reasons of prudence for exercising discretion in regard to perpetuating this quarrel beyond Davenport's death.

But more interesting than any bygone theological or ecclesiastical differences is a passage toward the end of the sermon wherein

<sup>1</sup> H. M. Dexter, *Congregationalism as seen in its Literature*, p. 474.

<sup>2</sup> 1 Massachusetts Historical Collections, iii. 258.

<sup>3</sup> Hill, *History of the Old South Church*, i. 94.

Davenport lays claim, and truthfully, to an important share in the foundation of the Colony. It is valuable enough to quote, and especially since no historian's eye, except that of Cotton Mather, has probably ever fallen upon it. Davenport says:

I shall conclude with a brief reminding you of the first beginning of this Colony of the *Massachusetts*, which I have the better advantage, and more special engagement to do; being one of them, by whom the Patent, which you enjoy, was procured; and to whom it was committed, by King *Charles* the first, and His Majesties most Honourable Privy Council. My Name was not mentioned in the Patent, because I desired it might be left out, lest the then Bishop of *London* [Laud], who was of the Privy Council, should have an ill eye upon me for my appearing so far in that work, wherunto he was opposit: but in expences for any Helps to promote the Work, in the first beginnings of it, I bore my part, meerly for the service of Christ, and for the help of his People, I not knowing that ever I should remove unto these parts, by vertue of that Patent. When it was obtained, and committed to us, we were made a Corporation for *New-England*, and accordingly acted, in sundry Meetings, and chose Mr *Endicot* to be the first Governour, and sent him hither; and for his encouragement, we gave him an House at *Salem*, which was built for the use of the Corporation in *London*; and he carried with him two Ministers. The next year the Corporation in *London*, understanding that honourable Mr *Winthroe*, inclined to remove himself and Family to *New-England*, chose him to be Governor, who came to *Boston*, and with him we sent the Patent, to prevent future inconveniencies.

After a few lines on the starting of the churches "in a Congregational way," he closes by an exhortation not to forsake the old paths, lest "the golden Candlesticks" and "the burning and shining Lights" be removed.

Twenty-five years before this, was published in London (1645) John Cotton's *The Covenant of Gods free Grace*, Most sweetly unfolded, and comfortably applied to a disquieted Soul. It was preached from verse 5 of the same book and chapter of Samuel from which Davenport preached his Election Sermon, and at the end was added John Davenport's Profession of Faith made "at his admission into one of the Churches there." The church was of course the First Church of Quinnipiac or New Haven, definitely organized in August, 1639. The first edition of the Profession was printed in 1642. Davenport continued as Pastor of this church

until he went to Boston in May, 1668, and was ordained in December. The Teacher of the church, William Hooke, was his colleague from 1644 to 1656, and then became one of the domestic chaplains at Whitehall to Cromwell, who was a kinsman of Hooke's wife.

It is germane to our immediate subject to recall that in February, 1666, in a letter to the younger Winthrop, Davenport declined to preach the Election Sermon at Hartford, in March, for "sundry other (besides his unfitness for the journey from New Haven) weighty reasons, whereby I am strongly and necessarily hindred from that service, which may more conveniently be given by word of mouth to your Honoured Selfe, then expressed by wrighting." In a post-script he adds: "The reason, which it pleased you to give, why I was not formerly desired to preach at the Election, holdeth as strong against my being invited thereunto now. . . . Therefore, I pray, desist from that motion to mee, and urge it upon some fitter minister and dwelling nearer to the place of the Election-Courte."<sup>1</sup> One reason for his thus declining to preach, we may be sure, was the disturbed relations then existing between New Haven and Hartford.

It would be an agreeable task to dwell for a moment on the character of John Davenport. He was a righteous man after his own day and generation, yet he wrote that strange letter to Temple in regard to the regicides which Mr. Dexter sadly wishes "for his sake were blotted out."<sup>2</sup> "His Custom was," according to Mather, "to sit up very late at his Lucubrations," and his writings clearly show this to be true. Exacting too, the same eulogist finds him to have been, admitting that "over-much, were the Golden Snuffers of the Sanctuary employ'd by him in his Exercise of Discipline."<sup>3</sup> But he has been ably considered by such men as Leonard Bacon and Mr. Dexter, and I have no excuse for going beyond my intention to make an announcement to the Society of the discovery of this supposedly lost book, which earlier students would have been eager to consult.

The Rev. John Davenport's Massachusetts Election Sermon of 1669 follows, reproduced in facsimile.

<sup>1</sup> 3 Massachusetts Historical Collections, x. 58, 59.

<sup>2</sup> Papers of the New Haven Colony Historical Society, ii. 232.

<sup>3</sup> Magnalia (1702), book iii. chap. iv. § 10, p. 55.



*John Davenport.*

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<sup>1</sup> Publications, i. 388-451.



[REDACTED]

A  
SERMON  
Preach'd at  
The Election of the GOVERNOUR,  
AT  
BOSTON  
IN  
New-England,  
*May 19th 1669.*

---

By JOHN DAVENPORT.

---

Printed in the Year, 1670.

*Engraved for The Colonial Society of Massachusetts  
from an original in the possession of the  
Boston Public Library*





2 Sam. 23. 3.

*The God of Israel said, the Rock of Israel spake to me, He that ruleth over men must be just, ruling in the fear of God.*



These words may be considered two ways; 1. As holding forth a Prophecy of the Kingdom of the Messiah, who is the Mediator, Surety, and Head of the Covenant of Grace, for his People. In which Covenant David comforted himself whatever decayes should befall him, or his house in after-times. 2. As holding forth a Rule for the choice and ordering of Rulers over men.

According to this consideration of the words, I purpose to handle them at this time, as best suiting with the present occasion. And so the words hold forth a Rule of Wisdom, whereunto the Lord teacheth his People to apply their hearts, in setting Civil Government according to God's Ordinance, so as they may expect the presence and blessing of God, through Jesus Christ with them, and upon the Commonwealth.

I shall sum up all in one Doctrinal Conclusion, which shall be this;

*That it is the Ordinance of God, in reference to Civil Government in Commonwealths, that some men orderly chosen should rule over other men: and in reference to the qualification of Rulers, that they be just, ruling in the fear of God.*

Which is twofold. 1. Concerning the thing; *that some men should rule over others.* 2. Concerning the qualification of the persons that are to rule; *that they be just, ruling in the fear of God.* In this way of his Ordinance you see, in my Text, both these are joyned together, and noted as the Ordinance of God, in the Trinity of Persons, God the Father said it, who is called *the God of Israel*, by vertue of his gracious Covenant with them: and God the Son spake it, who is stiled, *the Rock of Israel*, for that title is ascribed to Christ the Mediator, and second Person: *For they drank of the Spiritual Rock that followed them, and the Rock was Christ.* 1 Cor. 10. 4. And

( 4 )  
And they both spake it to David by the third Person, the Holy Spirit, who spake by David, ver. 2. But I shall handle them severally.

1. The first, that in reference to Civil Order in the Commonweal, God hath ordained, *That some men, orderly chosen, should rule over other men.*

It is not my purpose to discourse of the several Forms of Government, *Monarchical, Aristocratical, and Democratical*, nor to trouble you with the divers readings of the words, according to the Original, being content to handle them as they are translated, and read in all your Bibles. From whence the Doctrine is collected. And the first thing to be proved, is,

*That Power of Civil Rule, by men orderly chosen, is Gods Ordinance.*

For,

1. It is from the Light and Law of Nature, and the Law of Nature is Gods Law.

2. The orderly ruling of men over men, in general, is from God, in its root, though voluntary in the manner of coalescing. It being supposed that men be combined in Family-Society, it is necessary that they be joyned in a Civil-Society; that union being made, the power of Civil-Government, and of making Laws, followeth naturally, though the manner of union, in a Political Body, is voluntary. That we defend our selves from violence and wrong, is a consequent of pure Nature: but that we do it by devolving our Power into the hands of Civil Rulers, this seems to be rather positively moral, than natural.

3. Because this special Form of Civil Government of Commonweales, by men orderly chosen, the Scripture ascribes unto God; and also Civil Government, administr'd by Judges and Magistrates, as Christ spake concerning Pilate, Joh. 19. 11. *Jesus answered, Thou couldst have no power at all against me, except it were given thee from above: and they are said to judge not for man, but for the Lord, 2 Chron. 19. 6.* hence they are called Gods, Psal. 82. 6, 7. as appointed by him, according to Christs exposition of those words, Joh. 10. 35. *If he calleth them Gods, unto whom the Word of God was given.* See what the Wisdom of God, which is Jesus Christ, saith in Prov. 8. 15, 16. *By me Kings reign, and Princes decree justice.*

*Objct.* In 1 Pet. 2. 13, 14. Civil Government by Civil Rulers is called a humane Ordinance, *disposition* *statute.*

*Ans.* Not to shew that it is a meer humane invention, and no Ordinance of God: for that is contradictor<sup>y</sup> to Rom. 13. 2. *The Powers that be, are ordained of God.* ver. 2. and is that resisteth, resisteth the Ordinance

of God. But it is so called, 1. Because men are the subject recipient of this Power. So the Syriack expresseth it, *Leculbum benai ausbo*, Obey all sons of men that are in Authority. 2. Because the Choice hereunto is from God by men, *Deut. 1. 13. Bring you men of Wisdom, and of Understanding, and known among your Tribes, and I will make them Rulers over you.* 3. Because humane Concernments are the proper objects of it. *If 1 Cor. 6. 4. then ye have judgments of things pertaining to this life, set them up which are least esteemed in the Churches.* 4. Because the good of humane Societies is the end of it. Therefore *Durandus*, in his Book, *De Origine Juris*, saith well, Civil Power, according to God's Institution is of God, and according to its acquisition and use, it is of man. And whereas *Pater* extends this subjection to two sorts of objects; to the King as Supream, and to other Governors as sent by him, for the punishment of evil doers, and for the praise of them that do well; He therefore establisheth the Ruling Power over men in all sorts of Magistrates, who may be said, to be sent by the King, either immediate (as some are sent by expresse designation of the Person to such an office) or mediately, by his Royal Charter given to Corporations, to choose from among themselves, such as they account fit for such a trust. This is our case, who have by Pate at from the King, liberty and power to chuse a Governour, and Deputy Governour, and a limited Number of Assistants, invested with Magistratical Authority over the People. My Text saith, He that Ruleth over men, whether as Supream or Subordinate, as being sent by him upon the Peoples choice, must be just, ruling in the fear of the Lord: Therefore we must distinguish between Family-Rulers, and Commonwealth-Rulers: Family-Rulers, *viz.* Husbands and Parents, are the Ordinance of God, without designation of the Persons thereunto, by Commission from the King, or Election of the People: but it is not so with Rulers of the Commonwealth: For the designation of these, or those, to be Civil Rulers, leaving out others, is from God, by the Peoples free Choice, at least by the Suffrages of the major part of them, wherein the rest must acquiesce: This Power of Rulers of the Commonwealth is derived from the Peoples free Choice (therefore it is said in the Doctrine, being orderly chosen) for the Power of Government, is originally in the People, and that Three Ways:

1. Radically and virtually, as in the first Subject. For these Reasons.
1. Because, if living Creatures have radically in them a power of self-preservation, to defend themselves from violence and wrongs; men united in Societies, being reasonable Creatures, must have that power in a more reasonable and honourable way, to put this power into the hands of Civil Rulers;

And they both spake it to *David* by the third Person, the Holy Spirit, who spake by *David*, ver. 2. But I shall handle them severally.

1. The first, that in reference to Civil Order in the Commonwealth, God hath ordained, That ~~four~~ men; orderly chosen, should rule over other men.

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Object. In 1 Pet. 2. 13, 14. Civil Government by Civil Rulers is called a humane Ordinance, ~~and positive~~ *positive*.

Answer. Not to shew that it is a meer humane invention, and no Ordinance of God: for that is contradictory to Rom. 13. 1. *The Powers that be, are ordained of God.* ver. 2. and he that resisteth, resisteth the Ordinance of

of God. But it is so called, 1. Because men are the subject recipient of this Power. So the Syriack expresseth it, *Leculhum benai aushe*, Obey all sons of men that are in Authority. 2. Because the Choice hereunto is from God by men, *Deut. 1. 13. Bring you men of Wisdom, and of Understanding, and known among your Tribes, and I will make them Rulers over you.* 3. Because humane Concernments are the proper objects of it, *If 1 Cor. 6. 4. then ye have judgments of things pertaining to this life, set them up which are least esteemed in the Churches.* 4. Because the good of humane Societies is the end of it. Therefore *Durandus*, in his Book, *De Origine Juris*, saith well, Civil Power, according to God's Institution is of God, and according to its acquisition and use, it is of man. And whereas *Patet* extends this subjection to two sorts of objects; to the King as Supream, and to other Governors as sent by him, for the punishment of evil doers, and for the praise of them that do well; He therefore establisheth the Ruling Power over men in all sorts of Magistrates, who may be said, to be sent by the King, either immediate (as some are sent by expresse designation of the Person to such an office) or mediately, by his Royal Charter given to Corporations, to choose from among themselves, such as they account fit for such a trust. This is our case, who have by *Pate* at from the King, liberty and power to chuse a Governour, and Deputy Governour, and a limited Number of Assistants, invested with Magist'ral Authority over the People. My Text saith, He that Ruleth over men, whether as Supream or Subordinate, as being sent by him upon the Peoples choice, must be just, ruling in the fear of the Lord: Therefore we must distinguish between Family-Rulers, and Commonwealth-Rulers: Family-Rulers, *viz.* Husbands and Parents, are the Ordinance of God, without designation of the Persons thereunto, by Commission from the King, or Election of the People: but it is not so with Rulers of the Commonwealth: For the designation of these, or those, to be Civil Rulers, leaving out others, is from God, by the Peoples free Choice, at least by the Suffrages of the major part of them, wherein the rest must acquiesce: This Power of Rulers of the Common-wealth is derived from the Peoples free Choice (therefore it is said in the Doctrine, being orderly chosen) for the Power of Government, is originally in the People, and that Three Wayes:

1. Radically and virtually, as in the first Subject. For these Reasons.

2. Because, if living Creatures have radically in them a power of self-preservation, to defend themselves from violence and wrongs; men united in Societies, being reasonable Creatures, must have that power in a more reasonable and honourable way, to put this power into the hands of Civil

Rulers.



Rulers ; nor doth a Community, in chusing Civil Rulers, surrender so much their right and liberty to their Rulers, as their Power, both Active to do, and Passive to suffer unjust violence, so as the People shall not have Moral Power to do, or avenge injuries, *proprio Marte*, without punishment. 2. Because, if men United in a Civil Society, may give Magistratical Power to such and such, leaving out others ; ( then this Power was in this united Society ; but it was not in them *formally* (for then all should be Rulers) therefore this Power was in them only *virtually* ; for *Nemo dat quod non habet*, None can give that which they have not either formally, or virtually in themselves.

2. Communicatively, By way of free Donation ; the People giving to this or that man, and not to others, the Ruling Power over them. For, 1. In regular actions of the creature, God is the first Agent ; there are not two several and distinct actions, one of God, another of the People : but in one and the same action, God, by the Peoples suffrages, makes such an one Governour, or Magistrate, and not another. 2. God regulateth his People exercising their Power, in chusing such and such, and not others, to Rule over them ; therefore they have Power from God's Ordinance to do it : for none can regulate a *Non Ens*, nor will God by his Word regulate unwarrantable actions, as he doth this. *Exod. 18.21. Moreover, provide thou among all the People men of courage, fearing God, men dealing truly, hating covetousness ; and appoint such over them, to be Rulers over thousands, Rulers over hundreds. &c. Deut. 1. 16, 17. And I charged your Judges, that same time, saying, Hear the Controversies between your Brethren, and judge righteously between every Man and his Brother, and the Stranger that is with him ; ye shall have no respect of persons in judgement, but shall hear the small as well as the great ; ye shall not fear the face of man, for the judgement is Gods, &c.*

3. Limitively ; For the People to give Magistratical Power unto some, as that still they retain in themselves these Three Acts, 1. That they may measure out so much Civil Power, as God in his Word alloweth to them, and no more, nor less. 2. That they may set bounds and banks to the exercise of that Power, so as it may not be exuberant, above the Laws, and due Rights and Liberties of the People. 3. That they give it out conditionally, upon this or that condition ; so as, if the condition be violated, they may resume their power of chusing another.

Thus you see the first part of God's Ordinance, concerning Civil Rule and Government in Commonwealths, by some orderly chosen thereunto, The second part of God's Ordinance in this matter, followeth, which is concerning the qualifications of such Rulers over men.

2. That

2. That, as to the qualifications of Rulers over other men, it is God's Ordinance, that they *be just, ruling in the fear of the Lord.*

1. *They must be just.* They are to be termed just, in the sense of this Text, whose wills are sanctified and inclined by the Spirit of God, to perform to men whatsoever is due to them according to the Rules of the Word. 1. The principal and efficient hereof, is the sanctifying Spirit: therefore it is said, the fruit of the Spirit is in all goodness and righteousness, and truth. 2. The proper subject recipient of this gift of Grace, is the sanctified will, into which it puts a bent and inclination unto righteousness. For the faculties of the Soul are not by nature bent to that which is good, but contrary; *Gen. 4. 5. But unto Cain and his Offering he had no regard, wherefore Cain was exceeding wrath, and his countenance fell down.* There may be light in the understanding, shewing what is good, but that which inclineth to good must be in the will, *Rom. 7. 18, 22. For to will is present with me, but I find no means to perform that which is good: for I delight in the Law of God concerning the inner-man.* He is truly just, who acteth justly out of love to Righteousness; unjust men may do just actions, upon other motives, as Absalom pretended, *2 Sam. 15. 4. O that I were made Judge in the Land, that every man which hath any matter of Controversie might come to me, that I might do him right.* And the unjust Judge acted in *Luke 18. 4, 5. Though I neither fear God, nor love man, yet because this Widow troubleth me, I will do her right.* 3. The effect of it is the performance of whatsoever is due to men. Hence Children doing their duties to their Parents; is said to be just, *Eph. 6. 1. Children obey your Parents in the Lord, for this is right.* And of Servants to their Masters is said to be just and equal, *Col. 4. 1.* And all things due to men are performed by living righteously, *Tit. 2. 12. Teaching us, that denying ungodliness and worldly lusts, we should live soberly, righteously, and godly in this present world.* 4. The Rule is, not mans corrupt Reasons and Affections, but the Scripture. *Mich. 6. 8. He hath shewed thee, O man; what is good; and what doth the Lord require of thee but to do Justice, and Judgment, and to walk humbly with thy God.* *2 Tim. 3. 16. All Scripture is given by inspiration from God, and is profitable for Doctrine, for Reproof, for Correction, for Instruction in Righteousness.*

Thus Rulers over men must be just, 1. In their personal Conversation, else that may be applyed to them in *Rom. 2. 2, 3. Therefore thou art inexcusable, O man, whosoever thou art that condemnest, for in that thou condemnest another thou condemnest thy self, for thou that condemnest dost the same things; and thinkest thou thou, O man, that condemnest them which do*

to such things, and dost the same things, that thou shalt escape the judgment of God? 2. In their administration of Justice and Judgment towards all men impartially, and promised, *Psal. 72. 2. Then shall he judge thy People in righteousness, and thy Poor with equity.* This God required; *Exod. 18. 21. Moreover, provide thou among all the People, men of courage, fearing God, men dealing truly, hating covetousness, &c.* And Job practised, *Job. 29. 14. and Samuel pleaded, when the People would alter the frame of Civil Government, 1 Sam. 12. 3. Behold, here I am, bear record of me, before the Lord and before his Anointed; whose Ox have I taken? or whose Ass have I taken? or of whose hand have I received any bribe, to blind mine eyes therewith, &c.* to the 6th vers. Wherein he shewed, 1. His Integrity, in that he adjured them before the Lord. 2. His Modesty, 1. In that he speaks only negatively, that he had done them no wrong, though he could have spoken positively of much good they had received by his Government. 2. In that he mentioned the lesser things, Oxen, and Asses, implying, that much less had he wronged them in greater things.

2. *They must Rule in the fear of God;* Which contains in it all matters of Religion contained in the first Table of the Law, whereof the filial, reverential, obediential fear of God is the summe and foundation and head-points; *Eccles. 12. 13. Let us hear the end of all: Fear God, and keep his Commandments, for this is the whole duty of man.* 1 *Prov. 7. The fear of the Lord is the beginning of knowledge:* The fear of God is a sanctifying gift of Grace, wrought by the Holy Ghost in the hearts of the Elect, proceeding from a right knowledge of God, whence they exalt him above all, and are inclined to the obedience of his revealed will in all things. 1. The fountain hereof is sanctifying Grace; therefore I call it a gift of Grace; *Let us have grace, whereby we may serve God, &c.* 2. The principal efficient hereof is the Holy Ghost, *Isa. 11. 2. And the Spirit of the Lord shall rest upon him.* 3. The subject recipient of it is the heart of the Elect, *Jer. 32. 40. And I will make an everlasting Covenant with them, that I will never turn away from them to do them good, but I will put my fear in their hearts, that they shall not depart from me.* 4. The rule of it is from a right knowledge of God, *Jer. 22. 15, 16. Did not thy Father eat, and drink, and prosper, when he executed Judgment and Justice, when he judged the cause of the afflicted, and Poor, he prospered: was not this because he knew me, saith the Lord.* 1. In his Sovereignty, *Jer. 10. 6.* 2. In his Immenity, *Isa. 40. 15, &c. Behold the Nations are as a drop of a bucket, and are counted as the dust of the balance, &c.* 3. In his Omnipresence, *Psal. 130. 7. Whither shall I go from thy Spirit? or, whither shall I flee from thy presence?* 4. In his Justice, *Isa.*

Deut. 1.  
16, 17.

Heb. 12.  
28.

*is a fearful thing to fall into the hands of the living God, Hos. 3. 5. 1 Sam. Heb. 10. 11-24. 5: The property of it is, 1. To exalt God above all, as the highest object of our submission. Prov. 22. 4. By humility and the fear of the Lord, are riches, honour, and life. 2. Affiance, Psal. 147. 11. But the Lord delighteth in them that fear him. 3. Love, Dent. 10. 12. And now Israel, what doth the Lord thy God require of thee, but to fear the Lord thy God, and to serve him, and love him.*

And God is thus exalted, 1. When his word prevaieth above all other words, Isa. 66. 2. *To him will I look, even to him that is of an humble and contrite spirit, and trembleth at my word.* Acts 5. 28, 29. *Did not we straitly command you, that you should not teach in this Name? Then Peter and the Apostles answered and said, We ought rather to obey God than Men.* 2. When the Omnipresence of God, causeth us to approve our selves, and wayes, to him. Gen. 17. 1. *I am God almighty, walk before me, and be thou upright.* Job 1. 5. *He sanctified his Sons, and offered burnt Offerings; for Job thought, It may be my Sons have sinned, and blasphemed God in their hearts.* Eccles. 8. 12. *Though a sinner do evil an hundred times, and God prolong his dayes, yet I know it shall be well with them that fear the Lord, &c.* 3. When the fear of God overcometh all carnal fears. Dan. 3. 16, 17, 18. *Shadrach, Meshach, & Abednego, answered and said to the King, O Nebuchadnezzar, we are not careful to answer thee in this matter; behold, the God whom we serve is able to deliver us from the burning fiery furnace, & he will deliver us out of thine hand, O King: but if not, be it known unto thee, O King, that we will not serve thy God, nor worship the golden Image which thou hast set up.* Heb. 11. 27.

Hence follows, 1. A firm cleaving to God, in the obedience of Faith, Dent. 10. 20. *Thou shalt fear the Lord thy God, thou shalt serve him, and cleave to him.* Thus they must fear God in their persons.

2. In their Families, Psal. 101. 2. *I will do wisely in the perfect way till thou comest to me, I will walk in the uprightness of my heart, in the midst of mine house.* Now therefore fear the Lord and serve him in uprightness Josh. 24. and in truth, and put away the Gods which your Fathers served beyond the flood, and in Egypt, and serve ye the Lord.

3. They must exercise it in their Civil Government in the Commonwealth, Psal. 2. 10, 11. *Be wise now therefore ye Kings, be learned ye Judges of the Earth; serve the Lord in fear, and joyce in trembling.* Psal. 27. 5.

III. These two, Justice and the fear of God, must be conjoynd by Gods Ordinance in Rulers over men, if they would have his presence, assistance, and blessing with them in their publick Administrations.

*Reas. 1.* From the order of the conjunction of Justice with the fear of God, which is as of the Effect with the Cause; therefore the fear of God is first to be exercised, and Justice is to be regulated by it. The Scripture plentifully shews what a strong and powerful influence and efficacy, the true fear of God exerteth in tolerance to all Moral duties among men; Moderation in *Joseph*, who would not abuse his publick Authority unto private revenge, giving this for his Reason, *I fear God*, Gen. 50. 19, 20. Mercy with the Midwives preserving the Male-Infants, *Exod. 1. 21.* Justice in Judges against Usury and Oppression, *Neb. 5. 9.* and his different carriage from former Governours, in easing the People of burthensome Charges, what he could, *Psal. 14. 15.* against the prophaning of the Temple, and of the Sabbath, and neglect of the Priests and Levites, and the Murrings of Strange Wives, *Chap. 13.*

*Reas. 2.* From the great Trust committed to Civil Rulers,

- Rom. 13.* 1. To do Justice, according to Scripture-Rules, *2 Chron. 19. 6, 7.*  
 2. To see that others do justly towards one another, *for he is the Minister of God for thy good, &c.*  
 3. To protect men in every good way. *1 Tim. 2. 2. Pray for Kings, and for all that are in Authority, that we may lead a quiet and peaceable life, in all godliness and honesty.*  
 4. To uphold the Churches walking in the order of the Gospel. *Isa. 49. 23. Kings shall be thy nursing Fathers, and Queens thy nursing Mothers, &c.*  
 5. Their End should be to exalt Christ in dispensing his Government in *Texts*, *Psal. 2. 10, 11. &c. 72. 1. to 18.*

*Dts. Exhortation.* 1. To the Freemen, who are entrusted by the Community, to chuse Magistrates by their suffrages, to follow the counsel of *Jethro to Moses*, *Exod. 18. 21. Moreover, provide thou among all the People, men of courage, men fearing God, hating covetousness, &c. as Moses did, vers. 25.* which also *Moses* gave to the Tribes, *Deut. 1. 13.*

*Motive. 1.* The choice of good Rulers will be a sign and pledge of Gods interment to bless their Government and his People thereby. For when God gives Rulers, whom he intends to make a blessing to his People, they shall be such as are blessed of him in Christ for the good of that People, *Isa. 1. 25, 26. Then I will turn mine hand upon thee, and burn out thy dross, till it be pure, and take away all thy tin; and I will restore thy Judges as at the first, and thy Counsellors as at the beginning.* If thus be neglected, the Government will not be blessed, and the welfare of the People will be ruined. But if Christ bless the Governours, he shall give our peace, whatsoever Enemies come against us, or rise up among us: And

he shall be our peace; when *Ashur* shall come into our Land, &c. he will *Mic. 5.* raise seven Shepherds, and eight principal Men, that shall be our Relief, 5, 6.

But you have no Instance in Scripture, that ever God was with a People to bless them, in a course of special Providence, when they that feared not God, were their Rulers, by their own consent and choice: Let Christ therefore have the preheminance in all things, and in your choice of Rulers for the Commonwealth; and in order thereunto, see that they whom you choose to be Rulers, be men interessed personally in Christ: For when they that are called to Ruling Power, cease to exert it in subserviency to the Kingdom of Christ, there will be an end of *New-Englands* Glory, and Happiness, and Safety.

*Mor. 2.* You must submit to their Authority, and perform all duties to them, whom you have chosen to be your Rulers, whether they be good or bad, by vertue of the Relation between them and you; So Wives to their Husbands, though Unbelievers, *1 Cor. 7. 13.* And Servants to their Masters though froward, *1 Pet. 2. 18.* Therefore as this should Caution Women and Youngmen to beware of chusing bad Husbands, and Masters; so, and much more, it should Caution you in your choosing publick Rulers, if you mind the publick or private good of yours.

*Mor. 3.* If men unjust, and that fear not God, be chosen Rulers of the Commonwealth, all the People are in danger of being punished by the wrath of God for the sins of their Rulers; Bad men being in publick place, will give bad counsel to corrupt Religion, *Ezek. 11. 1, 2. Jazaniah* and *Paltiah*, Princes of the People, are said to be the men that imagine mischief, and devise wicked counsel in the City; the end will be ruine. See when the men of *Shechem* chose a bramble, *Abimelech*, to be their Ruler, see *Judg. 9. 2, 14, 15, 23, 52, 53.* The sins of *Jeroboam*, and of those that succeeded him, their corrupting Religion, ruined not only their own Families, but also all *Israel*, which was threatened, *1 King. 14. 19.* For the Lord shall smite *Israel* as when a Reed is shaken in the Water, and he shall weed *Israel* out of this good Land, which he gave to their Fathers, and shall scatter them beyond the River, because they have made groves, provoking the Lord to anger. The same befel *Judah* for the sins of *Manasseh*, *Jer. 15. 4.* And for the sins of other Rulers, by corrupting Religion, and unrighteous dealings, wherof the Prophets complained.

*Exhort. 2.* To those, who by the consent of the Freemen, are according to Gods Ordinance, to be invested with Magistratical Power and Authority, to observe *Moses* his Charge to the Judges, *Deut. 1. 16, 17.* And I charged your Judges that same time, saying, Hear the Controversies between your Brethren, and judge righteously, &c. and *Jehoshaphat*, *2 Chron. 19.*

Use.



2 Chron. 19. 9, 10. Be wise therefore ye Rulers, and consider that your Life, and all our Good, your Prosperity and Protection lies, not in this or that Politick design, or whatsoever else under the Sun, but alone in Gods gracious Presence with you, *Psal. 4. 6, 7.* Oh! provoke him not to depart from us, but seek the continuance of his presence with us, and fix your thoughts on the things which tend to assure Gods special providential Presence with us. The things incumbent on you, in order hereunto, are such as respect either Persons or Things; my desire is to speak in love to the Truth and Peace.

1. *For Persons:* Provide for the Protection, Encouragement, and Liberty of all those whom God owneth to be his People, that fear him; take care that they be not trodden under foot, nor swallowed up, nor exposed to the rage and contempt of men; only for those that walk orderly, and peaceably, not offensively to one or other, or to the Church of God; though they differ from others in their Apprehensions and Perswasions, though misguided; yet are willing to receive Light in Gods way and time: These are to God as the Apple of his Eye, and let their Safety be also to you. Be not ready to receive ill reports against them. *Jer. 10. 10. Report say they, and we will report, &c. Psal. 15. 3.* nor receive a false report against his neighbour, *1 Tim. 1. 19.*

2. *For Things:* They are either the things of God, or the things of Men: 1. *For the things of God;* the publick Profession and Practice of Religion, which is in great danger by two extreams; misguided Zeal, and Formality: Let the Honourable Court therefore approve themselves to Rule in the fear of God, by their personal knowing, embracing, and obeying the Gospel of Christ; and by their protecting the Churches that are orderly gathered, and walk according to Gospel-Rules, from the violence and injuries of their opposers, remembering that dreadful threatening, *Isa. 60. 12. For the Nation and the Kingdom, that will not serve thee, shall perish, &c.*

I shall add a few Caveats. 1. Take heed of a various management of matters of Religion, to the advantage of the present postures and condition of your Civil Affairs. The things of Christ should be as *Josephs* Sheaf, to which all other should bow. When they are made to cringe and bend to mens Policies, they are no longer the things of Christ: All Gods Truths are Eternal and Unchangeable by men: Give them all at once the sovereignty of your Souls, and have not the least thought of making them bend to serve your worldly ends, but cleave to the Truth of the Precepts, and live by the Truth of the Promises; for  
per

performance whereof, the God of Truth hath engaged his Allsufficiency.

2. Take heed and beware that you deprive not any Instituted Christian Church, walking according to Gospel Rules, of the Power and Privileges which Christ hath purchased for them by his precious blood, and given unto them, *Mat. 16. 19.* God calls Civil Rulers to protect and preserve such Churches; if he hath given them liberty, and you subject them to bondage; if he hath given them power in their proper concerns within themselves, and you countenance and uphold others to exercise power over the Churches, in such things to whom Christ never gave such power; you will have a sad reckoning. Remember *Jezebel's Argument*, against the encroachments of the *Amonites* upon the Rights of *Israel*, *Judg. 11. 14.* 3. Avoid carefully imposing upon the Churches any thing that Christ hath not put upon them, *viz.* 1. Mens Opinions, especially when they are such as prevailed in an hour of Temptation,

though consented to by the major a Topical Synod, yet disliked by some of themselves, and by other godly Ministers, both in this Country, and in other Countries: so that they are things Controverted and under dispute. Impose not such things upon Churches, lest Controversies arise in the Churches about Opinions, which are no part of the Faith once given to the Saints, for which we are called to contend earnestly, *Jude 3.* 2. A Standing Council, for which we find no warrant in the New-Testament, nor Example in the Primitive Churches, nor in Succeeding Ages, for some hundred years after Christ. Nor is it safe for the Churches, which are thereby subjected under an arbitrary Power out of the Church, which under a pretence of their Light, bereave them of their Power; and, binding them to rest in their Decisions, and to pursue them.

As for occasional Councils, two extremes must be avoided. 1. At reject Councils: For, when the need of any Church is such, that they are not of Light, or of consent within it self, it is their Liberty, and Prudence, and duty, to seek help from others chosen by that Church, being Faithful to Christ, and to his Counsel is given, it is the Duty of the Church to try it by the Scripture; and if it be found to agree with the Word of God, to acquiesce in it, else not; according to that the Judgment of a Council when and ends, above any Light for the Mind and Will of God, declared

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clared in the Scriptures. This is an abuse of Councils, which hath sharpened the Pens of Godly Learned men in their Writings against it, not only against Popish Councils, which bind People to receive their Superstitious Devices and Impositions, as matters of Faith; but against other Councils, which have too peremptorily and absolutely overruled their own Determinations without Scripture-proof. Hence *Luther* affirmed of the first general Council at *Nice* (which was accounted the best) That he understood not that the Holy Ghost speak in it; and that the Canons and Articles thereof, were but Hay, and Straw, and Stubble. And *Beza* (in his Preface to the New-Testament) saith, That such was the folly, ignorance, and ambition of many Bishops, in the best times, that you would have supposed the Devil to have been President in their Assemblies. And, long before these, *Nacianzen* complained, That he never saw good end of any, and resolved never to come at them more; yet he lived under the good Emperour *Theodosius*. When Councils seek to please themselves and other men, more then to serve Christ, their Conclusions will be answerable to their hope. Hence the German Interim was agreed upon by sundry Ministers to please the Emperour, but other Orthodox Ministers dissented, and wrote against it. The Synod in *England*, under the Prelacy, published Superstitious Ceremonies; against which many godly learned Ministers wrote, and were silenced; who are, to this day, called, *The good Old Nonconformists*: The late Reverend Teacher, to re-establish a Church, published a Catechism for the Children of it, wherein he taught them concerning the Power of Councils; that the Question is carried to the Council, but the Cause still remaineth in and with the Church. This shall suffice, for the present, to have been spoken to the Care that the Honourable Court is to Exercise about the things of God. The next things to be spoken to briefly, are the things of men; they are righteous Administrations of Justice in matters of this Life. These wheels also you are to set going, 1. If upon revisal of your Body of Laws any one be found to be unjust and oppressing, let it be expunged, and altered; And for those that are good, provide for good execution. 2. Let the sovereign Dictates of Nature, be constantly attended by you, which Christ notes to be the sum of all Moral Duties, in the two Tables, *Quod tibi fieri non vis, alteri ne facias*, Mat. 7.12. Would you enjoy peace and liberty in Professing and Practising according to the Rules of the Word, as you are persuaded; let others also that fear God, and walk orderly and justly, and peaceably with them, enjoy the like Peace and Civil Liberties, lest other Rulers be encouraged by your Example, to measure to us again, with what measure we mete unto others, they accounting, as we do them.

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This is threatned in *Mat. 7. 2.* I shall conclude with a brief reminding you of the first beginning of this Colony of the *Massachusetts*, which I have the better advantage, and more special engagement to do; being one of them, by whom the Patent, which you enjoy, was procured; and to whom it was committed, by King *Charles* the first, and His Majesties most Honourable Privy Council. My Name was not mentioned in the Patent, because I desired it might be left out, lest the then Bishop of *London*, who was of the Privy Council, should have an ill eye upon me for my appearing so far in that work, whereunto he was opposit: but in expences for my Helps to promote the Work, in the first beginnings of it, I bore my part, meerly for the service of Christ, and for the help of his People, I not knowing that ever I should remove unto these parts, by vertue of that Patent. When it was obtained, and committed to us, we were made a Corporation for *New-England*, and accordingly acted, in sundry Meetings, and chose Mr *Endicot* to be the first Governour, and sent him hither; and for his encouragement, we gave him an House at *Salem*, which was built for the use of the Corporation in *London*; and he carried with him two Ministers. The next year the Corporation in *London*, understanding that honourable Mr *Wintrop*, inclined to remove himself and family to *New-England*, chose him to be Governour, who came to *Boston*, and with him we sent the Patent, to prevent future inconveniences, and God blessed it to that end, as it appeared soon afterward. In the first General Court, after his Arrival, the Civil Order was settled in a Select Company of Free Planters, such as were accounted most fit to manage publick Trust, to Christ's Ends; these choose a Governour, and Deputy-Governour, and a limited number of Assistants, invested with Magistratical Power, and Deputies from the respective Plantations, according to the Patent, which gave liberty to order Civil Affairs, as they found best. Churches also were gathered in a Congregational way, and walked therein, according to the Rules of the Gospel, with much peace and consent among themselves, which that now blessed Servant of Christ, Mr *John Cotton*, the first Teacher to this Church, so approved, that he wrote unto me, being then in *Holland*, to encourage my coming to *New-England*, that the Order of the Churches and of the Commonwealth was so settled, by common Consent; that it brought to his mind, the New Heaven and New Earth, wherein dwells Righteousness, advising me to come hither free from Engagements to others. But Satan, in a short time, stir'd up Strifes and Dissentions, to the great disturbance of the Churches and of the Countrey, which God at last mercifully quieted; nor hath the Gospel come unto you empty handed, but hath

hath brought unto you in its right hand, Spiritual Good Things, through  
Jesus Christ, with Eternal Salvation to those that believe in him; And  
in its left hand, Riches, and Honour, with Protection and Deliverances  
from Enemies of all sorts. Now therefore take heed and beware, that  
the Lord may not have just cause to complain of us, as he did of those in  
*Jer. 2. 21. & Rev. 2. 4.* lest you lose by Gods punishing Justice, what  
you received from his free Mercy, lest he remove the golden Candle-  
sticks, and the burning and shining Lights in them, as he hath already  
done many eminent Lights; and wo to them from whom the Gospel is  
removed, for their abusing it, and the Messengers of it. Would you yet  
see good dayes, and enjoy good things as in times past? Obey the coun-  
sel that the Spirit gave to the Church at *Ephesus*, *Rev. 2. 5.* And to the  
Angel of the Church in *Sardis*, *Rev. 3. 2, 3.* And take the course that  
*Jehoshaphat* took, and was blessed therein, and all *Judah* with him,  
*2 Chron. 17. 3.* The Lord was with *Jehoshaphat*, because he walked in the  
first wayes of his Father *David*: And see that your fruitfulness in good,  
answereth the cost & pains that God hath been at with you in his Vine-  
yard, lest the Lord be provoked to deal with us, as he did with his an-  
cient Vineyard, *Isa. 5.* from the first to the eight verse.

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F I N I S.

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[REDACTED]

Mr. ALBERT MATTHEWS spoke as follows :

In some lively and entertaining remarks made before the Massachusetts Historical Society in 1883, Mr. Charles Francis Adams began a discussion as to the proper editing of old manuscripts and books.<sup>1</sup> Mr. Adams thinks that modern editors err in retaining the exact spelling, abbreviations, capitalization, and punctuation of the original manuscripts or the original printed editions. Mr. Adams spoke feelingly because he had recently edited for the Prince Society Thomas Morton's *New English Canaan*. In his introduction to that work, Mr. Adams returned to the subject, and said :

There is some reason to think that the fancy for exact reproduction in typography has of late years been carried to an extreme. Not only have peculiarities of spelling, capitalization and type, which were really characteristic of the past, been carefully followed, but abbreviations and figures have been reproduced in type, which formerly were confined to manuscripts, and are certainly never found in the better printed books of the same period. It is certainly desirable in reprinting quaint works, which it is not supposed will ever pass into the hands of general readers, to have them appear in the dress of the time to which they belong. Indeed they cannot be modernized in spelling, use of capitals, or even, altogether, in punctuation, without losing something of their flavor. Yet, this notwithstanding, there is no good reason why gross and manifest blunders, due to the ignorance of compositors and the carelessness of proof-readers, should be jealously perpetuated as if they were sacred things. This assuredly is carrying the spirit of faithful reproduction to fanaticism. It is Chinese.

The rule followed, therefore, in the present edition has been to reproduce the *New Canaan* as it appeared in the Amsterdam edition of 1637, correcting only the punctuation, and such errors of the press as are manifest and unmistakable. Very few changes have been made in the use of capitals, and those only where it is obvious that a letter of one kind in the copy was mistaken by the compositor for a letter of another kind. . . . The spelling has in no case been changed except where the error, as in the case already cited of "muit" for "mint," is manifestly due to printers' blunders. . . . No conjectural readings whatsoever have been inserted in the text.<sup>2</sup>

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<sup>1</sup> 1 Proceedings, xx. 175-185, 206-209.

<sup>2</sup> *New English Canaan* (Prince Society), pp. 103-105.

In the discussion above referred to, Mr. Adams's views met with assent, unqualified or modified, from Dr. William Everett and Charles Deane, but were totally rejected by Francis Parkman, Dr. Samuel A. Green, and the Rev. Dr. Henry M. Dexter. It will perhaps be thought that the criticism of such scholars as Parkman, Dexter, and Dr. Green does not need reinforcement; yet they spoke as historians, while something fresh may be said from a different standpoint. To the historian, the exact spelling of a word may be a matter of indifference, but to the student of language it is of supreme importance. American writings of the seventeenth and eighteenth centuries have thus far been examined chiefly by the historians; yet they are not without interest from other points of view, and to the literary investigator they are, as Dr. Murray wrote me five or six years ago, "a veritable mine of wealth."

With much that Mr. Adams says as to the Chinese fanaticism of faithful reproduction, I confess that I am in sympathy; yet there are certain aspects of the case as put by Mr. Adams against which it is impossible not to protest. There would seem to be no good reason for perpetuating the long "s," absolutely without significance in itself and so easily mistaken for "f;" and I cannot help thinking that the casting of special characters, as was done long ago in the Massachusetts and Plymouth Colony Records, and more recently in the Records of the Court of Assistants, — thus making it necessary for the reader to refer constantly to a key, — is going to an extreme. On the other hand, when Mr. Adams advocates the alteration of the original text merely because, in the opinion of the editor, the original readings are misprints, the question at once arises, How does the editor know that they are misprints? Much might be said on this topic, for I frequently run across unwarrantable editorial changes, but I will confine myself to three illustrations.

As a topographical term, the word *interval* is now found in two forms only, — "interval" and "intervale." But in the seventeenth and eighteenth centuries, the word was spelled in no fewer than fourteen different ways. In his General History of New England, written for publication about 1680, the Rev. William Hubbard spoke of "rich and fruitfull spots of land, such as they," that is, the people, "call intervail land," and the word so appears in the first edition of this work, published in 1815. When the work was

reprinted in 1848, "intervail" was altered to "interval," and so a form interesting in itself, which is found in a passage containing the earliest comment on the term, and which throws light on the etymology of "intervale," is altered.<sup>1</sup>

My second illustration is of a word which, through editorial supervision, is made, like some conjuror's trick, to disappear altogether. In 1716 Thomas Church wrote, at the dictation of his father Benjamin Church, the noted Indian fighter, *Entertaining Passages Relating to Philip's War*. At page 66, Church remarked:

In the Year 1690. was the Expedition to *Canada*, . . . And the said Church going down to *Charlestown* to take his leave of some of his Relations, and Friends, who were going in that Expedition, promised his Wife and Family not to go into *Boston*, the Small Pox being very brief there.

When Church's book was reprinted by Ezra Stiles at Newport in 1772, "brief" was silently altered to "rife" (p. 107). The learned President of Yale doubtless thought that "brief" was a printer's error. Between 1827 and 1867 many impressions of Church's book appeared, in every one of which that has come under my eye the word "rife" occurs.<sup>2</sup> This is explained by the fact that the editor, Samuel G. Drake, had never seen the original edition and so used as copy the Stiles edition of 1772. In 1867 the Rev. Henry M. Dexter brought out an annotated edition of Church's book. Dr. Dexter printed "brief" in the text, but added this note: "An evident misprint for 'rife,' which Dr. Stiles corrected" (II. 37). Let us examine this statement.

At a meeting of the Governor and Council of Connecticut held at New London, 6 December, 1714, —

Jeremy Wilson . . . with his man . . . were sent to a farmhouse upon suspicion they might be infected with the small pox, coming from New Yorke where it is very brief.<sup>3</sup>

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<sup>1</sup> See the Publications of this Society, vi. 137-151.

<sup>2</sup> I have seen copies dated Boston, 1827, 1829, Exeter, 1829, 1836, 1842, and Hartford, 1851. All of these were printed from the same plates, and the passage will be found at p. 178. Church's book was also reprinted from the Stiles edition of 1772 in Samuel L. Knapp's *Library of American History*, New York (1839), ii. 258, and in *The People's History of America*, New York (1874), p. 703.

<sup>3</sup> *Colonial Records of Connecticut*, v. 481, 482.



At a meeting of the Selectmen of Boston held 2 September, 1741, we read:

Whereas Information is given to the Select Men that the Yellow Fever is very brief in Philadelphia, therefore Voted, That Advice be asked of the Physicians of the Town.<sup>1</sup>

And on the ninth of September, "the Advice of Several of the Physicians" having been asked "respecting the yellow Fever being very brief in Philadelphia," the Selectmen took measures accordingly.

Under date of 30 July, 1758, Samuel Thompson, then near Ticonderoga, wrote in his Diary:

Sunday, before day they did muster, and sent out seventy five men out of our Regiment, eleven out of our Company, who went a little after sunrise down the Lake, and what the News was, we could not tell; yet all sorts of camp news was *brief* about.<sup>2</sup>

It is noteworthy that Dr. Murray gives no quotation in the Oxford Dictionary for "brief" in this sense except from dictionaries,<sup>3</sup> though in the English Dialect Dictionary Professor Wright cites a single example (dated 1809) previous to recent years. Hence it is seen that "brief," so far from being, as Stiles and Dexter thought, "an evident misprint for 'rife,'" has been employed both in England and in this country for two centuries, and the appearance of an obscure dialect word in America as early as 1714 is interesting.

My third illustration is taken from the Prince Society edition of Morton's New English Canaan. In that work, first printed in 1637, Morton, referring to events that occurred in 1630, wrote:

Now (whiles this was in agitation, & was well urged by some of those partys, to have bin the upshot) unexpected (in the depth of winter, when

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<sup>1</sup> Boston Record Commissioners' Reports, xv. 307.

<sup>2</sup> In S. Sewall's History of Woburn (1868), p. 552.

<sup>3</sup> In Shakspeare's King John, iv. iii. 158, are the words: "a thousand businesses are brief in hand." Dr. Murray remarks: "The origin of this sense [of brief] is not clear: the Shaksp. quot. is generally cited as an example, but is by no means certain." Schmidt explains the passage as meaning a thousand businesses "must be speedily dispatched."

all shippes were gone out of the land.) In comes Mr. Wethercocke a proper Mariner; and they said; he could observe the winde: blow it high, blow it low, hee was resolved to lye at hull rather than incounter such a storme as mine Host had met with: and this was a man for their turne.<sup>1</sup>

Mr. Adams, under the impression that "hull" is a printer's error, has altered it to "Hull," and concludes that Morton was referring to our Massachusetts town of Hull. Our earliest certain allusion to the town of Hull by that name is under date of 29 May, 1644, when its name was changed by the General Court from Nantasket to Hull. Hence, if Mr. Adams's alteration is justifiable, it shows that our town was colloquially known as Hull fourteen years before that name was officially adopted. It is of course possible that Mr. Adams is correct and that Morton did have in mind our Massachusetts town of Hull; but the change from "hull" to "Hull" is quite unnecessary, as the reading of the original text makes perfect sense. From the middle of the sixteenth to the middle of the seventeenth centuries, the expressions "to hull" or "to lie at hull," meaning to furl sails and to drift in a storm (or even in a calm), were in common use not only among seamen, but also, both in a literal and in a figurative sense, in the general literature of that period. This use is well exemplified in the two passages which follow. In 1617 Fynes Moryson, the English traveller, wrote:

The ninth day towards night, . . . not daring to enter the Riuer *Elve* before the next morning, wee strucke all sayles, and suffered our ship to bee tossed too and fro by the waues all that night, (which Marriners call lying at Hull).<sup>2</sup>

Writing in 1630, but referring to the memorable voyage of the Mayflower, Governor Bradford remarked:

In sundrie of these stormes the winds were so feirce, and y<sup>e</sup> seas so high, as they could not beare a knote of saile, but were forced to Hull, for diuerce days together; And in one of them, as they thus lay at Hull in a mighty storme, a lustie yonge man (called John Howland) coming

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<sup>1</sup> New English Canaan (1637), p. 181.

<sup>2</sup> Itinerary (1617), part i. book i. p. 2.

upon some occasion before y<sup>e</sup> grattings, was with a seele of y<sup>e</sup> shipe throwne into [the] sea.<sup>1</sup>

These three instances have been chosen because they illustrate the danger of interference with the original text. In the first instance, editorial "correction" has deprived us of a form of distinct etymological value; in the second, it has caused a dialect word to disappear altogether and in its place has substituted a quite different word; while in the third, it has changed a well-known sea term into an allusion to a town.

These instances show, I think, that there is but one safe rule to be pursued in editing old manuscripts and books, — namely, to print or reprint the original text so far as that can be done, relegating conjectures as to possible or probable errors to the foot-notes. This was Dr. Dexter's method, and though he himself erred in his comment on "brief," yet we are all human, and he at least restored the word to the place from which it had been ousted by Stiles and by Drake.

The reading of this paper was followed by a discussion in which President KITTREDGE, Mr. ANDREW MCFARLAND DAVIS, and Mr. LINDSAY SWIFT participated.

Mr. JOHN NOBLE made the following communication :

SOME DOCUMENTARY FRAGMENTS TOUCHING THE  
WITCHCRAFT EPISODE OF 1692.

Fragments of old records sometimes prove valuable and suggestive, in themselves almost unwritten volumes to be read between the lines; sometimes, and perhaps oftener, dry and meagre, the husks of bygone harvests. The papers brought in to-day may seem of the latter class. They have, however, one possible merit, — they come to light after being buried for years, forgotten and probably unknown, with a multitude of alien companions, victims of the same fate. They may perhaps have another, in that whatever

<sup>1</sup> History of the Plimoth Plantation (1896), p. 46. For a complete discussion of this point, see a paper on the Naming of Hull in the New England Historical and Genealogical Register for April, 1905, lix. 177-186.

savors of witchcraft, by itself or by reminiscence, has somehow a bit of human interest about it. That vague, mysterious phenomenon appeals alike to the believer, the skeptic, the inquirer, and the every-day man ; and the interest is of all sorts and shades.

The Salem epidemic of witchcraft has peculiar claims of its own, and any thing connected with it has certain attractions. It was a mere episode, a bubble in the current of Massachusetts history. It was local, short-lived and of slight proportions, and in some aspects has had an undue prominence. It was an occurrence by no means unnatural. It was perhaps rather to be expected. The Colony, though cut off by the estranging ocean, was still a part of the world, sharing its beliefs and its delusions. Conditions here were peculiarly favorable for such an outbreak. Two generations had gone by since the fathers landed. The stress and strain of the early days, engrossing all thoughts and activities, had passed. New ideas and interests had sprung up. New types of men had come into prominence. There was more time for brooding and pondering and noting providences and marvels. Speculation and superstition had new and clearer fields. The times were troublous, there was doubt, distrust, apprehensive foreboding. The situation, — a strip of territory between the sea and the forest with its gloom and mystery, its dangers and terrors both real and imaginary, peopled as it was with a race believed to be the children of Satan and his worshippers, — in itself invited it. Their Bible, as they read it, their code of law, divine and civil, sanctioned or even inculcated a belief in witchcraft and imposed responsibilities and duties, which their clergy were not slow in assuming.

A craze once started spreads like wildfire ; — here the stubble though dry was scant, the fire was brisk but narrow and soon burnt itself out. The old papers submitted to-day are few and short. One set has to do with a case briefly referred to in Upham's history of the Salem Witchcraft, that of Elizabeth Colson.

On the fourteenth of May, 1692, warrants were issued against Daniel Andrew ; George Jacobs, Jr., and his wife Rebecca ; Sarah Buckley, wife of William, and his daughter Mary Whittredge ; all of Salem Village ; Elizabeth Hart, wife of Isaac of Lynn, and Thomas Farrar, Senior ; Elizabeth Colson of Reading and Bethiah Carter of Woburn. Among the records in Essex, Upham finds few papers on file and little of interest relating to the last three

cases.<sup>1</sup> Of these nine persons, two were not found by the Constables, and escaped and found refuge abroad; three were brought in forthwith; and four, of whom one was Elizabeth Colson, were brought in shortly afterwards. The consequences of such bringing in were severe. As to the hardships endured in prison by persons so apprehended, some of the bills of expenses that have been preserved are somewhat suggestive; among them are bills for four pairs of fetters; mending and putting on one pair; making four pair of iron fetters and two pair of handcuffs, and putting them on the legs and hands of sundry persons, all women; eighteen pounds of iron for fetters; chains for two women; shackles for ten prisoners; one pair of irons for another woman; and most of the prisoners so fitted out were confined in jail for nearly a year.

There are two papers touching this case. One is the Deposition of the assistant of the officer sent to arrest her, giving some interesting experiences in the fruitless attempt. There is a slight difference as to date from that given by Upham as the beginning of proceedings. Perhaps this suspect was peculiarly elusive, and this may have been one of a series of attempts, and the interval longer than Upham gives. Whatever interest the old paper has is subjective rather than objective. The story is prosaic and unexciting; the occurrences commonplace; — a race with the natural outcome, — the inevitable cat, — the dog very like the dog of to-day. Simple as the narrative is, it has a touch of the graphic; many New England characteristics come out in it.

Under all, from the right point of view, are the elements of the supernatural. Did the hard-headed old official see and find them? Or did he supply them for his expected market? Why did not he, — and the minions of the law always, — shrink from encountering the wrath and vengeance of the mysterious powers of darkness and the dread possibilities involved in braving them? Did civil responsibility and devotion to duty outweigh natural fears? Or were the men after all rank unbelievers in the delusion? One might spin out any number of questions, psychological and otherwise, wound up in this old yarn. The paper might be made a fruitful text for a profitable sermon.

<sup>1</sup> C. W. Upham, *Salem Witchcraft* (1867), ii. 187.

The paper follows :

William Arnall of Redding forty three years of age or thereabouts testifieth and Saith, that on y<sup>e</sup> Sabbath day last being the 4<sup>th</sup> Instant 7<sup>br</sup> : 92 early in y<sup>e</sup> morning being [Commanded?] by y<sup>e</sup> Constable of said Redding J[ohn?] Parker [ ] to assist him in the Execution of his office pursuant to a [warrant] from Major W<sup>m</sup> Johnson Esq<sup>r</sup> to apprehend Elisabeth Colson &c. under Suspicion of y<sup>e</sup> Sin of Witchcraft

Then they Coming to y<sup>e</sup> house of Widow Dastin the Constable opening y<sup>e</sup> out most dore, and finding y<sup>e</sup> inner doer fast that he Could not gett in, Called me to him and Said he Could not gett in and as soon as [I Came<sup>1</sup>] I Came to him we heard y<sup>e</sup> back dore open then I ran behind y<sup>e</sup> house & [shee<sup>1</sup>] then I saw said Elisab : Colson run from y<sup>e</sup> back dore and gott over into John Dixes feild and I called to her being not far from her, and asked why she ran away for I would Catch her. She said nothing, but run away and [at last<sup>1</sup>] quickly fell down and got up againe and ran again shaking her hand behinde her as it were strikeing at me, and I ran and seeing I could not gaine ground of her, I sett my dog at her, and he ran round about her, but would not touch her, and runing litle further there was a stone wall and on y<sup>e</sup> other [bushe<sup>1</sup>] side of it a few bushes y<sup>e</sup> tooke my sight from her a litle, being but litle behinde her and when I came up to said Bushes I lookt into them, and [Could<sup>1</sup>] Could see no thing of her, and running on further there was great Cat Came running towards me, and stared up in my face, being but a litle distance from me, near a fence. I Endeauoured to sett my dog [up<sup>1</sup>] upon her, and y<sup>e</sup> dog would not minde her but went y<sup>e</sup> Contrary way, and on I offering to strike at her w<sup>th</sup> my stick she seemed to run under y<sup>e</sup> fence, and so disappeared, and I could get sight of maid nor Cat neither any more. Spending some litle time looking about for her & further Saith not

WILLIAM ARNALL

7<sup>br</sup>. 10<sup>th</sup> : 92

[Endorsed]

W<sup>m</sup> Arnollds Euid <sup>2</sup>

The other paper is a Writ of Habeas Corpus, which tells its own story. It seems to be not the writ so often styled the bulwark of liberty, bringing up persons assumed to be unjustly in restraint or confinement, with a view to their deliverance, but a writ to bring

<sup>1</sup> Cancelled in the original.

<sup>2</sup> Suffolk Court Files, no. 162, 281.

persons confined in the Middlesex jail before the proper tribunal in another county, for a trial or final disposition of the cases.

It runs as follows :

Province of the Massachusetts Bay in New=Engiand

Mid<sup>ty</sup> ss<sup>t</sup> William and Mary by the Grace of God King and Queen of England Scotland France and Ireland Defend<sup>t</sup> of y<sup>e</sup> Faith &c. to the Sheiriffe of the County of Midlesex Greeting Wee Command you that you haue the Body of Lidia Dastin of Reading widow Sarah Dastin single-woman Mary Coulson widow Elizabeth Colson single w<sup>o</sup>: all of Reading and Sarah Cole of Lyn in the prison of Cambridge vnder yo<sup>r</sup> Custody as tis said Detained, and vnder safe and sure Conduct together w<sup>th</sup> the cause of their Caption vnder what name or names soever the said Lidia Dastin Sarah Dastin Mary Coulson Elizabeth Coulson and Sarah Cole, be Censured, in the same before o<sup>r</sup> Justices of o<sup>r</sup> Court of Assize and Goal Delivery at Salem in o<sup>r</sup> County of Essex in o<sup>r</sup> Province of the Massachusetts Bay in New-England vpon Tuesday the 3<sup>d</sup> Day of Jan<sup>y</sup> next in y<sup>e</sup> fourth year of o<sup>r</sup> Reigne To Do and receiue all and Every of those things w<sup>ch</sup> the Justices of o<sup>r</sup> Court shall Consider of in that behalfe. And then and there you haue this Writt Wittness William Stoughton Esq<sup>r</sup> in Boston the 31<sup>st</sup> Decem<sup>r</sup>. In y<sup>e</sup> fourth year of o<sup>r</sup> Reigne Annoq Do<sup>m</sup>. 1692

JON<sup>as</sup> ELATSON, *Cler* :

By Vertue of this Writt I haue hear Brought y<sup>e</sup> Bodyes of those Persons within Spesefyd and Deliuerd hear att Salem to the under Sheriffe

Per me TIM<sup>o</sup> PHILLIPS *Sheriffe for Midd<sup>le</sup>*

[*Endorsed*]

The Returne of y<sup>e</sup> Habes Corpus from y<sup>e</sup> [Sher<sup>1</sup>] Sheiriffe of Midlesex<sup>2</sup>

Three of the persons named in the Writ were tried, as appears by the following :

Sarah Cole Verdict "That the said Sarah Cole was Not Guilty of the felony by Witchcraft for w<sup>ch</sup> shee stood Indicted in and by the said Indictment The Court Order the said Sarah Cole to be discharged paying her Fees."

In the cases of Lidiah Dastin and Sarah Dastin, was the same verdict.<sup>3</sup>

<sup>1</sup> Cancelled in the original.

<sup>2</sup> Suffolk Court Files, no. 2700.

<sup>3</sup> Records of the Superiour Court of Judicature, 1692-1695, folios 34, 35.

What disposition was made of Elizabeth Colson or of Mary, does not appear from the records contained in this volume.

The second series of papers concerns the case of Philip English and his wife Mary — a sort of aftermath, at the end of some fifty years, of a case somewhat famous from certain circumstances connected with it. Upham gives "some explanation of the causes that exposed Mr. English to hostility," and some of the evidence offered against him. He was one of the leading citizens, and "having many landed estates in various places, and extensive business transactions, he was liable to frequent questions of litigation."<sup>1</sup> That he was involved in lawsuits and a hard and persistent fighter, the Court records plainly show. One of the suits was concerning the bounds of a piece of land in Marblehead, and his adversary there was later active in bringing accusations of witchcraft against him. Mary English, wife of Philip, was one of nine named in warrants issued April twenty-first; all to be delivered to the magistrates "for examination at the house of Lieutenant Nathaniel Ingersoll, at about ten o'clock the next morning, in Salem Village."<sup>2</sup> She was committed to prison. On April thirtieth, a warrant was taken out against English and several others; it bears the endorsement: "Mr. Philip English not being to be found," signed by the initials of the Marshal.<sup>3</sup> Why he was not found appears in one of this series of papers. On the sixth of May a warrant was procured at Boston, to the Marshal-General or his lawful deputy to apprehend him wherever found within the jurisdiction and convey him to the custody of the Marshal of Essex. Mr. Upham's account<sup>4</sup> says he was delivered to the Marshal of Essex on the thirtieth of May and after examination before the Magistrates the next day committed to prison; that he and his wife escaped from jail and found refuge in New York until the proceedings were terminated, when they returned to Salem and there continued to live; and that the wife survived but a short time the shock of the accusation, the dangers to which she had been exposed, and the sufferings of imprisonment. Their social position was of the highest. He was a merchant of large estate, extensive business, and owned fourteen buildings in town, a wharf and twenty-one

<sup>1</sup> Upham, *Salem Witchcraft*, ii. 141.

<sup>2</sup> *Ibid.* ii. 128.

<sup>3</sup> *Ibid.* ii. 140

<sup>4</sup> *Ibid.* ii. 142.



vessels ; she a lady of eminent character and culture, the only child and heir of Richard Hollingsworth. Upham's history has for the frontispiece of the second volume a picture of the English house. The autographs given indicate the character attributed to them.

In his Supplement Mr. Upham<sup>1</sup> gives a record of Court showing an adjustment of the accounts of George Corwin, High-Sheriff of Essex, and an order discharging him from all liabilities imposed upon him by reason of the Sheriff's office, passed 15 May, 1694; and further says that later Mr. English compelled the executors of the Sheriff to pay over to him £60. 3s. In May, 1709, an address was presented to the General Court for the passage of an Act to restore the reputations of the sufferers by the witchcraft persecution and reparation for the damages suffered by their estates, signed by Philip English and twenty-one others. The Act of 2 November, 1711, gave relief, not general, but only to such as had petitioned.<sup>2</sup>

What gave interest to the case of English was its peculiar circumstances,—the standing of the parties, the causes that may have led to his prosecution, the fact that it was never brought to trial, and especially his hiding and concealment and ultimate escape.

The two papers given here bear upon the last point. They are found in a case contained in the Suffolk Files, brought in 1738 against the then representative of English, by the representative of the man who befriended him at the time of his arrest and imprisonment, to recover for the expenses then incurred. The case itself is merely for the recovery of a debt, and only these two papers have any direct connection with the witchcraft episode, and explain some incidents then in question. They are both Depositions used in evidence in the case and bear the underscoring of counsel to mark important facts therein.

The first is as follows :

Margaret Casnoe of Lawfull Age Testifieth & saith that in part of the Time when there was so much talk of the Witchcraft in this Country

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<sup>1</sup> Upham, *Salem Witchcraft*, ii. 472.

<sup>2</sup> An Act to Reverse the Attainders of George Burroughs and others for Witchcraft, Private Act No. 26 (Massachusetts Province Laws, vi. 71, 72).

and severall persons suffered therefor being according to [the best of <sup>1</sup>] this Deponents Remembrance about forty five years agone this Depon<sup>t</sup> then being about Eighteen years of Age Livd with M<sup>r</sup> Margaret Pastre In the House & Family of M<sup>r</sup> George Hollard in Boston and at that Time M<sup>r</sup> Philip English of Salem and his wife being under Suspicion for the aforesaid Crime She was then taken up and put into Boston Goal & he the s<sup>d</sup> M<sup>r</sup> Philip English came to Boston & Requested the afores<sup>d</sup> [M<sup>r</sup> <sup>1</sup>] George Hollard to take him into his House who accordingly did & maintaind him there Secretly for some Time & the s<sup>d</sup> Hollards house being searched for the s<sup>d</sup> English he was hid behind a bag with Dirty Cloths by which means he Escaped then being taken and afterwards when he was put into prison for Witchcraft & his Estate and Effects thereupon Seizd s<sup>d</sup> M<sup>r</sup> Hollard Supported Said M<sup>r</sup> English & his Wife in Goal & this Depon<sup>t</sup> often & frequently carried victuals & provisions from s<sup>d</sup> M<sup>r</sup> Hollards house & by his orders deliverd the same to the s<sup>d</sup> English & his Wife in prison. And the s<sup>d</sup> Englishes Family wanting Subsistance when brought up to Boston his Effects being seizd this Depon<sup>t</sup> well Remembers that M<sup>r</sup> Mary English Daughter to s<sup>d</sup> Philip English Livd at s<sup>d</sup> M<sup>r</sup> George Hollards and was by him maintained & Supported for a Considerable Time (this Depon<sup>t</sup> is not Certain how long) But s<sup>d</sup> M<sup>r</sup> Hollard maintaind & Supported the s<sup>d</sup> Mary English for a Considerable Time after the Rest of said English's family were gone from Thence

MARGARET <sup>Sig</sup> X CASNOE

Boston July 8<sup>th</sup> 1738

Sworne to in Inf<sup>r</sup> Court

Boston 18 July 1738

Att<sup>r</sup> EZEK<sup>l</sup> GOLDTHWAIT *Cler.*

A True Copy Exam<sup>d</sup>

Per EZEK<sup>l</sup> GOLDTHWAIT *Cler*

[*Endorsed*]

Casnoes Depocofn<sup>2</sup>

The second Deposition runs thus :

SALEM Feby 12, 1738

Susanah Tounzel [of ful Age Testyfyeth & <sup>1</sup>] Saith that [in the year 1692 <sup>1</sup>] she was carried from Her Father Phillip Englishs House To

<sup>1</sup> Interlined in the original.

<sup>2</sup> Suffolk Court Files, no. 47120:8. The original deposition is no. 46720:2. "Pastree Exec<sup>t</sup> of Hollard & English Adm<sup>t</sup> of English, July 1738." See also Record Superiour Court of Judicature for Suffolk County, 8 August, 1738, fol. 181.

M: Arnolds the Goal Keeper and livd there w<sup>th</sup> my Father Phillip English & Wife while they continued there and when they left the Goal She was carried to Cap: Jn<sup>o</sup> Aldens to Board and Continued there till the s<sup>d</sup> Phillip English and Wife returnd from N York to their own Dwelling in Salem and then they Sent for her home

SUSANNA TOUZEL

ESSEX ss. SALEM Feb: 12<sup>th</sup> 1738

Then M<sup>rs</sup> Susannah Towzell (who by reason of Sickness & bodily Infirmy is incapable of Traveling to Court) made oath to the truth of the within Deposition She being carefully Examined & Cautioned to Declare the whole Truth, (The Adverse party whom this may Concern, living more than Twenty mile not being notified)

Jurat Coram

BEN<sup>ts</sup> LYNDE Jun<sup>r</sup> Jus<sup>r</sup> Pac<sup>r</sup>

[Endorsed]

Susannah Towzells Deposition

Taken before Ben<sup>ts</sup> Lynde J:<sup>1</sup>

Not as strictly germane to these papers, but as connected with the general subject and having some bearing upon considerations already offered, it may not be out of place to add a memorandum showing the history of witchcraft as it appears in the records of the highest Court of Massachusetts. It is not intended to touch here upon the trials held in the Special Court of Oyer and Terminer created nominally under the new Charter, but whose validity has been well questioned. A full account of its creation and its doings is to be found in Washburn's Sketches of the Judicial History of Massachusetts.

The Records of the Court of Assistants, extant and accessible, from 1630 to 1673 are few and incomplete. In these no case of witchcraft is found. One case, however, said to be the earliest, that of Margaret Jones of Charlestown convicted and executed in 1648, is mentioned by Winthrop.<sup>2</sup> Another is that of Anne Hibbins in 1656, memorable in its circumstances and for the controversy which occurred between the Bench and the Jury. The Jury found her guilty, the Magistrates refused to accept the ver-

<sup>1</sup> Suffolk Court Files, no. 48343. See also no. 48342 (3 papers): "English Admr. & Pastree Exec<sup>r</sup> of Hollard Feb. 1738-9."

<sup>2</sup> History of New England (1853), ii. 326.

dict. The case was carried to the General Court; popular clamor was effective and she was convicted and executed.<sup>1</sup> William F. Poole says that twelve persons were executed in New England before 1692, six of whom were in Connecticut. Besides the two previously mentioned, Jones and Hibbins, he gives the cases of the wife of Henry Lake of Dorchester in 1650, Mary Parsons, wife of Hugh, of Springfield in 1651, and of a Cambridge woman at about the same time. He also has the case of Goody Glover of Boston, in 1688.<sup>2</sup> Rather curiously the last case does not appear in the Records of the Court of Assistants, 1673 to 1692, nor is it in the Massachusetts Colony Records. There are some dozen papers touching on witchcraft in the early Suffolk Court Files, between 1652 and 1666, and a large number in 1692 and shortly after. The Records of the Court of Assistants from 1673 to 1692 are full and complete. In this volume six cases appear.

In 1673 Anna Edmonds was "Complained on by Samuall Bennett & his wife on suspition of witchcraft After the Court had heard all the evidences produced against her the Court declared that they saw no Ground to fix any charge against her & so dismist hir," ordering the complainants to "pay the charges of the wittnesses in y<sup>e</sup> case = thirty shillings & ffees."<sup>3</sup>

In the next year was the somewhat famous case of Mary Parsons of Northampton, recorded at length, with the result that "the Jury . . . found hir not Guilty = & so she was dischardged."<sup>4</sup>

In 1680 Elizabeth Morse was indicted for "not hauing the feare of God before hir eyes being Instigated by the diuil & hauing had familiarity w<sup>th</sup> the diuil contrary to the peace of our Souaigne Lord the King his croune & dignity y<sup>e</sup> lawes of God & of this Jurisdiction," tried and found "Guilty according to Indictment & had sentenc."<sup>5</sup> There is a hint of unwritten pathos about her case, for the next year in answer to a petition of her husband and to her own, "The Court Judgeth it meet to Repreive the sajd Elizabeth morse the Condemned prisoner to the end of the next session in Octobe, and in the meantime order hir dismission from the prison in Boston

<sup>1</sup> See Hutchinson, *History of Massachusetts* (1764), i. 187.

<sup>2</sup> *Memorial History of Boston*, ii. 133-142 and *notes*; Paige, *History of Cambridge*, pp. 355, 595.

<sup>3</sup> *Records of the Court of Assistants* (1901), i. 11.

<sup>4</sup> *Ibid.* i. 33.

<sup>5</sup> *Ibid.* i. 159.

to Returne home w<sup>th</sup> hir husband to Newbery Provided she goe not aboute sixteen Rods from hir Oune house & land at any time except to the meeting house in Newbery nor remoove from the place Appointed hir by the minister & selectmen to sitt in whilst there.”<sup>1</sup> Her name does not appear thereafter and it may be hoped the relieve was final.

Another case in 1680 was that of “Mary Hale of Boston widdow” indicted “for that yow no’ hauing the feare of God before yo’ eyes and being Instigated by the divill hauing had familiarity w<sup>th</sup> him by the abhorred sin & art of witchcraft did kill & bewitch one [Michael] Smit to death,” and found “Not Guilty according to Indictment.”<sup>2</sup>

There were two cases in 1683. James Fuller of Springfield was indicted for familiarity with the devil. He seems to have made a confession, but on being brought to trial, “After the Indictment & euidence produced against him was Read he owning the charge as sajd by him but denyed the trueth of it saying he had belyed himselfe his examination & [confession being] committed to the Jury,” they found him “not Guilty according to Indictment.” He was not, however, to go scot-free. “The Court Consi[der]ing of his wicked & pernicious willfull lying & Continuanc in it till now putting the Country to so great a charge sentenct the sajd James ffuller to be seuerely whipt w<sup>th</sup> thirty stripes seuerely lajd on & that he pay fve pounds mony to the Trespase of the Country to discharg the chardges of his triall paying fees of Court stands Committed till the sentence be pformd. and that in Case y<sup>e</sup> s<sup>d</sup> fve pounds be not p<sup>d</sup> by y<sup>e</sup> s<sup>d</sup> ffuller w<sup>th</sup>in a month Its left w<sup>th</sup> y<sup>e</sup> Trespase of y<sup>e</sup> Country to ship him of & dispose of him as he Cann not exceeding fower yeares to Ans<sup>r</sup> the charges.”<sup>3</sup> Later in the year Mary Webster of Hadley “hauing binn presented for suspition of witchcraft . . . & left to furthe Tryall” was “brought to the barr” and indicted for having “as in & by seuerall testimonjes may Appeare” had familiarity with the devil “in the Shape of a warraneage,” and the existence of the secret infallible physical signs are set forth.<sup>4</sup> The jury, however, found her not

<sup>1</sup> Records of the Court of Assistants, i. 189, 190.

<sup>2</sup> *Ibid.* i. 188, 189.

<sup>3</sup> *Ibid.* i. 228, 229.

<sup>4</sup> *Ibid.* i. 229, 233.

guilty. The use in the charge of the Indian name for a black cat "warraneage" is interesting and suggestive in several ways.

No case of witchcraft appears between 1683 and 1692; and the issue of the six cases given above is noticeable — all trials in the Colonial Court of Assistants.

This Court was succeeded in the time of the Province by the Superiour Court of Judicature. In the first volume of its Records, 1692-1695, the following cases of witchcraft appear:

Superiour Court of Judicature, Court of Assizes & Generall Goal Delivery, holden at Salem in the County of Essex, Province of Mass. Bay in New England in America, 3 Jan. 1692-3

Present.

The Hon<sup>ble</sup> WILLIAM STOUGHTON Esq<sup>r</sup> Chief Justice.  
 THOMAS DANFORTH Esq<sup>r</sup> } JOHN RICHARDS Esq<sup>r</sup>  
 WAIT WINTHROP Esq<sup>r</sup> } SAMUEL SEWELL Esq<sup>r</sup>

In over fifty cases before it, the Grand Jury ignored the majority and only twenty-one persons were tried and indicted for felony by witchcraft, with the results given:

Rebekah Jacobs wife of George }	} Not Guilty. Discharged by paying fees.
Jacobs of Salem. }	
Margaret Jacobs of Salem single- }	
woman. }	
Sarah Buckley wife of W <sup>m</sup> }	
Buckley of Salem. }	
Mary Witheridge of Salem.	
Job Tookey of Beverly.	
Hannah Tyler of Andover.	
Candy a Negro servant to Mrs. }	
Mary Hawkes of Salem }	
Mary Marston wife of John }	
Marston Jun <sup>r</sup> of Andover }	
Elisabeth Johnson of Andover.	
Abigaill Barker wife of Ebenezar }	
Barker of Andover }	
Mary Tyler wife of Hopestill }	
Tyler of Andover }	

Sarah Wardwell of Andover. Guilty. { The Court ordered the Keeper  
of the Goal to take care of the  
prisoner, according to law.

Sarah Hawkes of Andover. Not Guilty. { The Court ordered Mary <sup>1</sup>  
Hawkes aforesaid to be dis-  
charged, paying her fees.

Marcy Wardwell of Andover. Not Guilty. Discharged by paying fees.

Elisabeth Johnson, Jun<sup>r</sup>. of Andover. { The Court ordered the Keeper  
Guilty. of the Goal to take care of the  
prisoner according to law.

Mary Bridges wife of John Bridges } Not Guilty. Discharged by pay-  
of Andover } ing fees.

Mary Post of Rowley. Guilty. { The Court ordered the keeper  
of the Goal to take care of the  
prisoner according to law.

Hannah Post of Boxford  
Sarah Bridges of Andover.  
Mary Osgood wife of Cap<sup>t</sup>. John } Not Guilty. Discharged by pay-  
Osgood of Andover } ing fees.  
Mary Lacey Jun<sup>r</sup>. of Andover.

There were three convictions and eighteen acquittals.

At the term of the Sup. Court of Jud. &c. held at Charlestown in the  
County of Middlesex, 31 Jan. 1692-3.

Present.

WILLIAM STOUGHTON, Esq<sup>r</sup>. Chief Justice.

THOMAS DANFORTH, Esq<sup>r</sup>.

JOHN RICHARDS, Esq<sup>r</sup>.

WAIT WINTHROP, Esq<sup>r</sup>.

SAMUEL SEWELL, Esq<sup>r</sup>.

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<sup>1</sup> So in the original.

Feb. 1<sup>st</sup>. All but y<sup>e</sup> Chief Justice Present.

Mary Toothaker of Billerica.	}	Not Guilty. Discharged by paying fees.
Mary Taylor of Reding wife of } Sebread Taylor		
Sarah Cole wife of John Cole of } Lynn		
Lidiah Dastin of Reding.		
Sarah Dastin of Reding.		

The last three cases are referred to in connection with the paper on Elizabeth Colson.

Sup. Court of Jud. &c. held at Boston for the County of Suffolk 25 April 1693.

Present.

WILLIAM STOUGHTON, Esq<sup>r</sup> Chief Justice.

THOMAS DANFORTH, Esq<sup>r</sup>

JOHN RICHARDS, Esq<sup>r</sup>

SAMUEL SEWELL, Esq<sup>r</sup>

John Alden of Boston, "suspition of Witchcraft," appeared and was discharged by proclamation.

Sup. Court of Jud. &c. held at Ipswich, May 1693.

Present.

THOMAS DANFORTH, Esq<sup>r</sup>

JOHN RICHARDS, Esq<sup>r</sup>

SAMUEL SEWELL, Esq<sup>r</sup>

Susanah Post of Andover.	}	Not Guilty. Discharged by paying fees.
Eumice Frie of Andover wife of } John Frie		
Mary Bridges, Junior, of Andover.		
Mary Barker of Andover.		
William Barker, Jr. of Andover.		

Of the thirty-two persons tried in the Superiour Court of Judicature,—twenty-six in Essex, five in Middlesex, and one in Suffolk,—twenty-nine were acquitted and three found guilty, the last all in



Essex. In the second volume, which brings the Records of this Court down to 1700, no case of witchcraft is found. The year 1693 practically closed the judicial history.

Mr. ANDREW MCFARLAND DAVIS called attention to the use of the words "The Rhode Island Land Bank" in the printed Transactions of the February meeting, 1900 (VI. 380). The same words are used in the Table of Contents of the volume. The Index also has an entry, "Rhode Island Land Bank."

The Rhode Island "banks" referred to in the paper submitted at that meeting were mere emissions of Colonial currency, which were loaned to citizens, hence the name "banks." They were not what is generally understood by the term "Land Bank." The use of the word "land" as a descriptive epithet in connection with these banks is, therefore, to a certain extent misleading.

Mr. THOMAS MINNS spoke of the service on the previous evening at the First Church in Boston, in dedication of six mural tablets that have recently been placed there in memory of Governor John Endicott, Anne Hutchinson, Sir Henry Vane the younger, Governor John Leverett, Governor Simon Bradstreet, and Anne Bradstreet, all of whom were members of that Church.

Mr. NOBLE read a letter from Dr. DANIEL COIT GILMAN, a Corresponding Member, presenting to the Society a set of the Fund Publications of the Maryland Historical Society and a set of the Archives of Maryland. The gift was gratefully accepted.

Mr. HORACE EVERETT WARE of Milton was elected a Resident Member.

Dr. CHARLES MONTRAVILLE GREEN communicated a Memoir of SAMUEL WELLS, which he had been requested to prepare for publication in the Transactions of the Society.



Samuel Miller

Samuel Miller  
1840-1900



MEMOIR  
OF  
SAMUEL WELLS, A.B.  
BY  
CHARLES MONTRAVILLE GREEN

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SAMUEL WELLS died at his home in Boston on Saturday, 3 October, 1903. Only two days previously he had returned from his summer home at Campobello. Although his health had been somewhat impaired for several years, it had improved so much that he had resumed many of his professional duties and social relations, and his death was entirely unexpected.

Mr. Wells's father, Samuel Wells, descended from the early settlers of New Hampshire, where he was born in 1801; but in early life he removed to Hallowell, Maine, and thence, in 1844, to Portland, where he practised law. From 1848 to 1852 he served as a Justice of the Supreme Judicial Court of Maine, and in 1856 and 1857 Judge Wells was the Governor of his adopted State. Soon after his service as Governor, Judge Wells removed with his family to Boston, where he practised law until his death, 15 July, 1868. He married Louisa Ann Appleton, a daughter of Moses Appleton of Waterville, Maine, a descendant of the Appleton family which came early to Ipswich, Massachusetts.

Samuel Wells was born in Hallowell, 9 September, 1836. He fitted for college in a private school in Portland, and in 1853 entered Harvard, where he graduated with high rank and received his A. B. with the Class of 1857; he also won the distinction of membership in the Harvard Chapter of the Phi Beta Kappa. He then studied law in his father's office in Boston, and was admitted to the Suffolk Bar in 1858. He continued in practice with his father until the death of the latter in 1868;

three years later he formed a partnership with the late Edward Bangs. The firm of Bangs and Wells has survived the death of both original members, and now comprises the eldest son of each.

On 11 June, 1863, Mr. Wells married Kate Boott Gannett, daughter of the Rev. Ezra Stiles Gannett, D. D., for many years minister to the Arlington Street Church in Boston. Three children were born to them: Stiles Gannett, Samuel, junior, and Louisa Appleton; Samuel, junior, died several years ago.

Mr. Wells engaged successfully in the general practice of the law, and was acknowledged to be one of the leading members of the Boston Bar,—able, judicious, and reliable in his judgment. He achieved success through his intellectual ability, sound judgment, and great industry; and for more than forty years of professional life held the confidence and respect of the community. Early in his career he became interested in fiduciary and corporation law; he was a trustee of many important estates, and assumed the care of a large amount of real and personal property. He formed plans for the combination of capital in the erection of large business blocks and office buildings; many trusts and associations, which have been established for this purpose, have been organized upon principles which he proposed. The State Street Exchange, established in 1886, was the earliest of these organizations, and he was its President for several years. He was actively connected with the Boston Real Estate Trust, the Bromfield Building Trust, the Municipal Real Estate Trust, the Winthrop Building Trust, the Washington Building Trust, and with other similar associations. He was first Vice-President and Director of the John Hancock Mutual Life Insurance Company, and for several years counsel of the corporation. He also served as a Director of the Boston Storage Warehouse Company, and of the Mercantile Fire and Marine Insurance Company.

Although he never held political office, Mr. Wells took an active interest in public affairs and in the promotion of good government: he attended caucuses and political conventions, and served on committees. He was a member of the Tariff Reform League, and of the Citizens' Association of Boston; in 1884 he served on the general committee of the latter association for the amendment of the City Charter.

Aside from his professional career, Mr. Wells had many other interests. It was a surprise to friends of his later life to learn that for many years he had quietly spent leisure hours in the study of natural history. In middle life he devoted much time to microscopy and micro-photography; he made a special study of diatoms, and prepared a valuable collection of microscopic slides; his knowledge of this subject has been recognized in this country and in Europe, through his contributions to scientific journals. He was a member of the Boston Society of Natural History, and of the American Association for the Advancement of Science. He took an especial interest in the study of English and Colonial history; he was fond of collecting books relating to the City of Boston and her public men. This taste for historical and genealogical study led him to become a member of the Bostonian Society, the Bunker Hill Monument Association, and the New England Historic Genealogical Society.

With these tastes and his well-known personality it is natural that he should have been selected for membership in the Colonial Society of Massachusetts, to which he was elected at the first Stated Meeting of the founders in January, 1893. During his ten years' fellowship with us Mr. Wells was always an interested member, and attended the meetings of the Society with some regularity when in Boston, and when his health permitted. He was a warm personal friend of our first President, Dr. Benjamin Apthorp Gould; and at the Memorial Meeting which this Society held after Dr. Gould's death, Mr. Wells, in the unavoidable absence of the Vice-Presidents, was asked to preside. He paid an affectionate tribute to Dr. Gould's memory, inspired by years of friendship and fraternal association.

A man of kind and generous impulses, Mr. Wells gave much time from his busy life to the interests of philanthropy and charity. In 1867 he joined with others in reviving the work of the Boston Young Men's Christian Union, and for several years served as Treasurer and as a Director in that institution; at the time of his death he was one of the trustees of its permanent fund. He was also a trustee of the Boston Lying-in Hospital, and of the building fund of the Women's Educational and Industrial Union. In 1890 he became a member of the Massachusetts Charitable Fire Society, and since 1899 had served on its Board of Government.

Mr. Wells was fond of club life and of social intercourse with his fellows. He was an active member of the Union Club, the Unitarian Club, St. Botolph Club, Papyrus Club, the Boston Art Club, the Beacon Society, the Exchange Club, of which he was a founder and the first President, and of the University Club of New York. On leaving college he became a member of the Jacobite Club, a social organization of the class of 1857 that brought its members into relations of close intimacy and attachment.

No memorial of Mr. Wells would be complete without reference to his deep and abiding interest in Freemasonry, to which for many years he gave a considerable portion of his time. He received his first three degrees in Revere Lodge of Boston in 1862 and 1863, and served that Lodge as Master in 1873 and 1874, and subsequently for nine years as Treasurer. He became a member of the First Worshipful Masters' Association in 1873, and was its President from 1876 to 1881. He was Grand Treasurer of the Grand Lodge of Massachusetts, A. F. and A. M., from 1879 to 1887, Deputy Grand Master in 1888 and 1889; and in 1890 he attained the highest masonic honor in Massachusetts, serving as Grand Master for three years. He received the capitular degrees in St. Andrew's Royal Arch Chapter in 1865, and the same year was created a Knight Templar in St. Bernard's Commandery of Boston, serving as Eminent Commander in 1871 and 1872. In 1875 and 1876 he received the grades of the Ancient Accepted Scottish Rite, from the fourth to the thirty-second degree, and in 1890 he was made a member of the Supreme Council and received the thirty-third and last degree. He was greatly loved and respected by his masonic brethren, among whom he moved for forty-one years.

The funeral service of Mr. Wells was held October sixth in the Arlington Street Church, of which he had long been a member; it was conducted by the minister, the Rev. Paul Revere Frothingham, and by the Rev. Edward A. Horton, Junior Grand Chaplain of the Grand Lodge of Massachusetts. Classmates, colleagues, friends, and fraternal associates gathered to show by their presence the love and esteem they bore for him who had entered so fully into their lives.

Mr. Wells was a man of many interests; he lived a full life. His industry and legal learning, his sound judgment and strict integrity, brought him eminence in his profession and in important corporate interests. His faithful and devoted labor in philanthropic

work won for him the grateful esteem and respect of all who worked with him and of all for whom he worked. In his more formal relations his demeanor was quiet and reserved; but in the companionship of his friends who knew him well, he had a cheerfulness and ready wit, a spirit of kindliness and helpfulness, that endeared him to all who were so fortunate as to enjoy his intimate acquaintance.



## JANUARY MEETING, 1905.

A STATED MEETING of the Society was held at No. 25 Beacon Street, Boston, on Thursday, 26 January, 1905, at three o'clock in the afternoon, the President, GEORGE LYMAN KITTREDGE, LL.D., in the chair.

The Records of the last Stated Meeting were read and approved.

President KITTREDGE communicated a letter written 25 June, 1690, by the Rev. Samuel Lee, Pastor of the Church at Bristol, Rhode Island, to Dr. Nehemiah Grew, sometime Secretary of the Royal Society, answering various questions of his correspondent about the Colony of the Massachusetts Bay, Harvard College, and the Indians and their customs.<sup>1</sup>

Mr. HENRY W. CUNNINGHAM gave a sketch of the life and career of the Rev. Mr. Lee.

The Rev. Dr. EDWARD H. HALL presented to the Society a draft for twenty-four dollars drawn 19 July, 1779, on the Commissioner of the United States of America at Paris, France, signed by Francis Hopkinson as Treasurer of Loans, and countersigned by Nathaniel Appleton as Commissioner of the Continental Loan-Office in Massachusetts. The thanks of the Society were extended to Dr. Hall for his acceptable gift.

<sup>1</sup> Some time after this meeting, Mr. Kittredge discovered in the British Museum a letter written by Samuel Sewall in 1690. Mr. Lee's letter was originally inclosed in that of Judge Sewall's. As Mr. Kittredge expects to communicate the Sewall letter at a subsequent meeting, the Lee letter is withheld for the present.

Mr. WILLIAM C. LANE made the following communication on —

THE REBELLION OF 1766 IN HARVARD COLLEGE.

The manuscript account of the Rebellion of 1766 in Harvard College herewith presented is contained in a little note-book, measuring 6 by 3½ inches, which bears the name of Clement Weeks, a graduate of the College in the Class of 1772. Clement Weeks was an older brother of William Weeks of the Class of 1775, five of whose letters, written while serving in the American army, were edited by Hiram Bingham, Jr., in 1901.<sup>1</sup> Letters and note-book were both acquired by the Harvard Library in 1900.

An earlier owner of the note-book, to judge from an almost erased inscription on the first page, seems to have been Thomas Aston Coffin. Coffin was a classmate of Clement Weeks and a member of the well-known Loyalist family of Boston. During the Revolution he was private secretary to Sir Guy Carleton, and in 1804 secretary and comptroller of accounts of Lower Canada; he was also at one time a Commissary General of the British army.

Besides "The Book of Harvard" and "The Arguments in Defence of the Proceedings of the Scholars," the note-book contains the beginning of "The Confession that was made after all was done" (incomplete because pages 15-18 of the note-book are missing), "Conjectures on original Composition from Young," notes from "Augustine concerning Heresies," and unfinished notes from "Rapin's History of England." The rest of the book is blank, except at the end, where is to be found, besides an index and two arithmetical problems, an amusing macaronic "Oratio" beginning "Viri honoratissimi ac tiptoptissimi," addressed by a student to his fellow students on his leaving College.

The "Book of Harvard" is an account, in Biblical language, of the disorders in the College in September, 1766, consequent on the Steward's persisting in serving out bad butter in Commons, a hardship for which, as the students declared, they had been unable

<sup>1</sup> Privately printed under the title *Five Straws gathered from Revolutionary Fields*.

by lawful means to get redress. A contributory cause of the disorders is also to be found in the fact that the Faculty had lately refused to accept certain customary and time-honored, but very elastic, excuses for absence from College exercises, so that the students felt that one of their rightful privileges was being taken from them. A further explanation of this custom will be found in the papers printed beyond. The "Book of Harvard" and the "Arguments in Defence" give the students' statement of the case. The Faculty's votes and a long "Representation" which was presented by the Faculty to the Corporation, and was referred by the Corporation to the Overseers, give the Faculty's story of the same events, while the Corporation's and the Overseers' votes show the position taken by the College government in dealing with these matters as subjects of discipline.

The perfect seriousness of both sides and the exaggerated importance attributed to acts which would now be treated on quite a different plane, are particularly noticeable. If either party betrayed a sense of humor in the whole affair, it was the students and not the Faculty.

In regard to the general situation, it is enough to say that from the earliest days of the College the eating at a common table had been considered an essential element in College life, but that the arrangement under which the College itself provided the board gave frequent occasion for friction and dissatisfaction.

In 1747 it came to the attention of the Overseers that the Faculty had become lax in requiring constant attendance at Commons, and in requiring it alike of both students and officers, and in that year the Board began to urge upon the Corporation and Faculty the importance of a strict compliance with the law.

The Corporation being slow to respond to the demands of the Board, the Overseers returned to the subject again and again from 1747 to 1765, always insisting that "the scholars should be restrained from dieting in private families." Finally, in 1765, the recent completion of Hollis Hall permitting the accommodation of a larger number of students within the College, and the occupation of the new Harvard Hall, rebuilt after its destruction by fire in January, 1764, again providing a suitable Commons room, the Corporation accepted a series of new laws recommended by the Overseers, which it may be worth while to print here in full, since

they give a tolerably complete picture of the conditions under which the Rebellion of 1766 occurred.<sup>1</sup>

ARTICLES RESPECTING THE DIET AT THE COLLEGE PROPOSED BY THE BOARD OF OVERSEERS AND ADOPTED, WITH ALTERATIONS, BY THE PRESIDENT AND FELLOWS, 10 SEPTEMBER, 1765.

Vote 1. All the Tut<sup>rs</sup>. & Professors, Graduates & Undergraduates Who have Studies in College, shall constantly be in Comons, while actually residing at the College, Vacation Times excepted, & shall breakfast dine and sup in the Hall, @ the stated Meal Times except Waiters; Saving That such as Choose to take their Supper from the Hall or Kitchen, to their Chambers may have liberty to do it; Saving also in Case of Sickness or other Necessity: w<sup>ch</sup>. shall be determin'd by the Pres<sup>dt</sup>. Profess. & Tutors or the major Part of Them. Provided alwaies That no Profess<sup>r</sup>. or Tut<sup>r</sup>. shall be exempted but by y<sup>e</sup> Permission of the Corporation, w<sup>th</sup>. the Consent of the Overseers.

2. No Undergraduate shall be put out of Comons<sup>2</sup> but by a Note from the Pres<sup>dt</sup>. or one of the Tut<sup>rs</sup>. (his own if in College) w<sup>ch</sup>. Note shall be granted only to such as have liberty to be absent a Week. And no Graduate shall put himself out of Comons, unless he is going out of Town for a Week: Saving that such resident Graduates as are Preachers, shall be exempted from Commons one third Part of the Week viz. When they go forth to preach, from Saturday before Dinner till Monday after Dinner, They giving seasonable Notice to the Steward. And when any Graduates or Undergraduates have been out of Commons, the Waiters @ their respective Tables, shall immediately upon their coming into Town, notify the Stew<sup>d</sup>. to put them into Commons; And if any Waiter shall neglect to give such Notice, he shall be liable to Punishm<sup>t</sup>. by Pres<sup>dt</sup>. & Tutors not exceeding five Shillings, or to the Loss of his Place according to the aggravation of his Offence.

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<sup>1</sup> For a fuller account of the history of Commons and of the causes leading to the disorders of 1766, see Peirce's History of Harvard University, pp. 217-223, and Quincy's History of Harvard University, ii. 94-99.

In the old Harvard Hall, destroyed by fire 24 January, 1764, the Commons room was in the middle of the building on the first floor. During the interval before the new Hall was completed, "the two southern middle ground rooms of Hollis Hall, viz. Nos. 2 and 4" were assigned as dining rooms, and No. 1 was assigned to the Butler. In the new Harvard Hall occupied in the fall of 1765, the east end of the lower floor was used for Commons, the kitchen being directly beneath.

<sup>2</sup> "Put out of Commons" means "erased from the list," so that no charges are incurred.

3. The Tables shall be cover'd with Clean Cloths twice a Week or oftner if judg'd necessary by the Pres<sup>d</sup>. & Tut<sup>r</sup> & properly furnish'd for the respective Meals, @ the Charge of the College; And that a just & equal Assessment of any Damage may be made, all the Tables shall be mark'd & Number'd, & the Waiter for that Table where such Damage may be done, shall return to the Stew<sup>d</sup>. or Butler respectively, an Acc<sup>o</sup>. therof; Otherwise he himself shall be accountable for the same; & the Scholars belonging to such Table, shall be accountable for the breaking, or Damage done, to any Utensil, unless the Person who hath done the same be known, in which Case, he shall repair the Damage.

4. The Waiters when the Bell Rings @ meal Times shall take the Furniture of the Tables, & the Victuals @ the Kitchenhatch,<sup>1</sup> & carry the Same to the several Tables, for w<sup>ch</sup>. they are design'd, immediately upon w<sup>ch</sup>. the Bell shall Tole, And none shall receive their Breakfast or Dinner out of the Hall, except in Case of Sickness, or some weighty Reason to be judg'd of by one of the Tut<sup>r</sup>. And one of the Tut<sup>r</sup>. or (in Case They should happen all to be absent) The sen<sup>r</sup>. Scholar in the Hall, shall crave a Blessing & return Thanks; And all the Scholars while @ their Meals shall sit in their Places & behave with Decency; & whosoever shall be rude or Clamorous @ such Time, or shall go out of the Hall without leave, before Thanks be return'd, shall be punishd by one of the Tut<sup>r</sup>. not exceeding five Shillings.

5. The Provision for the Co<sup>m</sup>ons shall be purchas'd by the Steward with the College Stock, w<sup>th</sup>.out his making any advance or Profit thereon, he keeping a distinct Acc<sup>o</sup>. of all the s<sup>d</sup>. Provision spent @ the College.

6. The Allowance to the Steward shall be one hundred & fifty Pounds ꝯ Ann. Salary and fifty Pounds ꝯ Ann. for Cooks & other Help, In Considerati<sup>o</sup>n whereof, He shall @ the College Expense provide, Breakfast, Dinner & Supper for the Scholars; And shall collect whatsoever is Charg'd to the Scholars, in the several Q<sup>r</sup>. Bills & in fine do the whole Duty of a Steward, without any other Fee or Reward.

7. The Buttery shall be supply'd out of the College Stock & be furnish'd as the Corporation shall Order, w<sup>th</sup>. Wines & other Liquors, Tea, Coffee, Chocolate, Sugar, Bisket, Pens, Ink & Paper & other suitable Articles for the Scholars; And the Butler shall advance 15. ꝯ C upon what he delivers out to the scholars, for the College Stock, & have a Salary of Sixty five pounds ꝯ Ann. for his Trouble, & shall exhibit quarterly his accounts to the Corporation.

8. There shall alwaies be two Dishes for Dinner, a Pudding of some sort to be one of them; Except on Saturdays, Salt-fish alone; And the

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<sup>1</sup> See the Oxford Dictionary under *hatch* and *kitchen*.

same Dish shall not be ordinarily provided, above twice in a Week, Puddings excepted: And there shall alwaies be, Coffee & Tea, Chocolate & Milk for Breakfast, w<sup>th</sup>. Bread or Bisket & Butter; And Bread & Milk Rice Appleye or something equivalent for Supper.

9. Every Scholar the first Fryday in each Month shall inform the Steward, w<sup>th</sup>. of the respective Articles he chooses for Breakfast & Supper, that he may provide accordingly.

10. Every Scholar shall, for the Present, pay Seven-Shillings & four Pence a Week for his whole Diet, the Corporation to make Alterations from Time to Time according to the Price of Provisions & other circumstances.

11. No Scholar shall be allow'd to run in Debt to the Butler above five Dollars, & shall have no more Credit till that is paid.

12. The Steward & Butler shall settle accounts some time in August every year, with the College Treasurer, and pay him their respective Ballances & at the same time or whenever it shall be necessary, the Treasurer shall advance to them respectively, out of the College Stock as much Money, as the Corporation shall think needful for Them in their respective Departments.<sup>1</sup>

The Faculty of the College in 1766, all of whom are referred to in the "Book of Harvard" by their first names or by students' nicknames, was made up of the President, three Professors, four Tutors, and the Librarian, the latter officer having been authorized by a vote passed 23 June, 1766, "to act in conjunction with the President and Tutors in the government of the Society in all their meetings," and to have the same power to punish breaches of order.

Edward Holyoke, the President, now in his seventy-eighth year, had been an officer of the College since 1712, when he was chosen Tutor, and had held the office of President since 1737.

Belcher Hancock, the next in order of collegiate seniority, graduated in 1727, and had been Librarian in 1741-42, a Tutor since 1742, and a Fellow since 1760. He resigned in 1767.<sup>2</sup>

<sup>1</sup> College Book No. 7, pp. 139, 140. These Articles were incorporated, with slight verbal changes, in the copies of the Laws written out at this time for official use, as Chapter VI.

<sup>2</sup> Sidney Willard says that when the time for Hancock's triennial re-election as Tutor drew near in 1766, it had been intimated to him that he would not again be chosen.

His services were at no time highly appreciated; but, not willing to be unceremoniously superseded, he made known his wishes to be re-elected, and his determination to

John Winthrop, the Hollis Professor of Mathematics and Natural Philosophy, graduated in 1732 and held his professorship from 1738 to 1779. He enjoyed a great reputation as a man of learning, being undoubtedly the foremost teacher of science in America in the eighteenth century, and a man who exercised a wide and lasting influence. He was a Fellow of the Royal Society, and was the first person to receive the honorary degree of LL.D. from Harvard College.<sup>1</sup>

Edward Wigglesworth, of the Class of 1749, had just succeeded his father as Hollis Professor of Theology. Later he was chosen a Fellow, and in 1780-81 he was Acting President.

Simeon Howard, of the Class of 1758, served as Tutor for one year only, 1766-67, afterward becoming the minister of the West Church in Boston. He was for many years Secretary of the Board of Overseers (1778-1804) and a Fellow of the Corporation (1780-1804).<sup>2</sup>

Stephen Sewall had graduated in 1761, and had been immediately appointed Instructor in Hebrew, and afterward, in 1764, Hancock Professor of Hebrew and other Oriental Languages. In 1763 he had married Rebecca Wigglesworth, a sister of Edward Wigglesworth, and in the same year (two years after graduation) had published a Hebrew grammar long used in the College. His later years were clouded by failing mental powers and bodily incapacity, so that in 1785 he had to be removed from his professorship.

Thomas Danforth, of the Class of 1762, had succeeded Edward Wigglesworth as Tutor of the Freshman Class in 1765, when the latter took his father's place as Professor of Theology. He became a Fellow in 1767, but severed his connection with the College the next year, taking up the practice of the law in Charlestown. The general political sentiment of the College was strongly American. Danforth, alone of the governing body, joined the Loyalists. He was proscribed and banished, and in 1766 removed to Halifax and thence to London, where he died 6 March, 1820.<sup>3</sup>

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resign afterwards. But his determination indeterminate was interpreted by the electors in a sense more restricted than was justified by the issue; for after being again chosen, he deliberated a whole year before he carried his determination into effect (*Memories of Youth and Manhood*, i. 34, 35).

<sup>1</sup> See the Publications of this Society, vii. 321-339.

<sup>2</sup> See Willard, *Memories of Youth and Manhood*, i. 11.

<sup>3</sup> Willard, *Ibid.* i. 39; Wyman, *Genealogies and Estates of Charlestown*, i. 276.

Andrew Eliot, a classmate of Danforth's, was Librarian from 1763 to 1767, when he became a Tutor. It was during his administration that the Library was destroyed, and he had a hand in the measures adopted to replace it. From 1772 to 1774 he was a Fellow, his father, Andrew Eliot, being likewise a member of the Corporation at the same time (1765-1778).

Joseph Willard had graduated only a year before (1765) and had just been chosen Tutor. In 1768 he became a Fellow, and from 1781 to 1804 he was President of the College.

To recapitulate, Hancock, Howard, Danforth, and Willard were the four Tutors, to whom the care of the four classes was committed under the old and long-established order which provided that each class was instructed in all branches by one teacher. It was in November, 1766, that is, just after the date of our Rebellion, that this system was replaced by the more modern one which made each Tutor responsible for a single department, and brought all the classes in turn under his instruction. In the new division of work, Latin fell to Hancock, Greek to Willard, logic, metaphysics, and ethics to Howard, and natural philosophy, geography, astronomy, and the elements of mathematics to Danforth. These studies occupied the first four days of the week in rotation, Friday and Saturday being given up to elocution, English composition, and rhetoric,—in which each Tutor gave instruction to one of the four classes.

Winthrop, Wigglesworth, and Sewall were the three Professors, the first two on foundations established by the first Thomas Hollis so long before as 1721 and 1727, the third on the recent foundation of Thomas Hancock. Hancock and Winthrop were Fellows of the Corporation as well as members of the Faculty, the other three members being the Rev. Dr. Nathaniel Appleton, of the Class of 1712, the old minister of Cambridge, who served the College as a Fellow from 1717 to 1779, Thomas Marsh of 1731 (who had just resigned), and Andrew Eliot the elder of 1737. It is interesting to notice that the Corporation at this time contained no young men, its youngest member having been out of College twenty-nine years; but it is also to be noted that three appointments made soon after this, in 1767 to 1772, were of men who had been out of College but six, three, and two years, respectively.



The Book of  
Harvard.

Chapter 1<sup>st</sup>

- 1 And it came to pass in the ninth Month, on the 23<sup>d</sup> Day of the Month, the Sons of Harvard murmured and said,
- 2 Behold! bad and unwholsome Butter is served out unto us daily; now therefore let us depute Asa,<sup>1</sup> the Scribe, to go unto our Rulers, & seek Redress.
- 3 Then arose Asa, the Scribe, and went unto Belcher, the Ruler, & said, behold our Butter stinketh, and we cannot eat thereof; now give us, we pray thee Butter that stinketh not.
- 4 And Belcher the Ruler said, trouble me not, but begone unto thine own Place; but Asa obeyed him not.
- 5 So when Belcher and others of the Rulers departed, the Sons of Harvard clapped their Hands, & hissed & cried, aha! aha!
- 6 Then Edward the Chief Ruler and John and another Edward, (not the chief) and Stephen and Belcher and Simeon & Thomas (Sir-named Horsehead) and Andrew & Joseph<sup>2</sup> consulted together & said,
- 7 Behold Asa the Scribe hath risen up against us, & the Sons of Harvard have hissed & clapped in Derision of us;
- 8 Now therefore let us punish Asa the Scribe, & make him confess before all Harvard; and Belcher the Ruler (Sirnamed Bowl, alias

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<sup>1</sup> Asa Dunbar, of the Class of 1767, was the son of Samuel and Melatiah (Hayward) Dunbar, and was born in Bridgewater, Massachusetts, 26 May, 1745 (Bridgewater Town Records). He entered the ministry after graduating, preached first at Bedford, Massachusetts, and then removed to Salem, where he was settled from 1772 to 1779. Retiring from the ministry, he took up the study of the law, and began practice in Keene, New Hampshire, in 1783, gaining the esteem and confidence of his fellow-citizens. He died 22 June, 1787.

His daughter Cynthia, born in 1787, married John Thoreau in 1812, and was the mother of Henry D. Thoreau. See Charles H. Bell, *Bench and Bar of New Hampshire* (1894), p. 323; F. B. Sanborn, *Henry D. Thoreau* (1882), pp. 9, 18.

<sup>2</sup> President Holyoke, John Winthrop, Edward Wigglesworth, Stephen Sewall, Belcher Hancock, Simeon Howard, Thomas Danforth, Andrew Eliot and Joseph Willard. It will be noticed that the writer names the President first, then the three Professors in order of seniority, then the four Tutors and the Librarian in the same order.

Beelzebub) said, let him also be placed below his Fellows,<sup>1</sup> & they agreed to that also.

- 9 And all, even all, the Sons of Harvard met and agreed also,
- 10 That if bad & unwholsome Butter should be served out unto them on the Morrow, they would depart & leave the Rulers to the Meditation of their own Hearts, with many other Things I heard not of.
- 11 So on the Morrow, bad and unwholsome Butter was served out unto them, and they rose up and departed every one unto his own Place.
- 12 But the Rulers were greatly affrighted; and Edward the Chief Ruler (Sirnamed Gutts) rose up and said, Men and Brethren, what shall we do? Behold our Pupils have risen up in Rebellion against us, & have hissed & clapped their Hands, & have committed diverse Offences against us.
- 13 But if we treat them severely, behold they will depart & leave us & be here no more, now therefore let us appease their Minds by soft Words & give them Redress, so they agreed to that also.

#### Chapter 2<sup>d</sup>.

- 1 So Edward the chief Ruler, after the Evening Sacrifices<sup>2</sup> addressed himself to the Sons of Harvard, saying,

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<sup>1</sup> Down to 1769, the members of each class, toward the close of their Freshman year, were "placed" in an order of precedence corresponding to the social position of their fathers, and a common form of punishment was to degrade a student a certain number of places in his class. This aristocratic principle was applied for the last time in June, 1769, in the case of the Class which had entered in 1768 and was to graduate in 1772. It thus disappeared with the close of President Holyoke's long term of office and with the inauguration of his successor, Samuel Locke. But in the Quinquennial Catalogue the names of the members of all classes down to 1772 preserve the order of their original "placing." The democratic alphabetical arrangement begins with the class of 1773.

<sup>2</sup> Prayers were conducted at this time in the new chapel in Harvard Hall. Holden Chapel, built in 1744, was used for religious services for only about twenty-one years. The College records and the historians of the College do not tell us why, on the rebuilding of Harvard Hall, a new chapel was provided in the west end of that building on the first floor, corresponding to the Commons room on the other side of the entrance. No explicit statement is made in the records when religious services were transferred from one place to the other, but there is little doubt that it was when the new Hall was first occupied in the fall of 1765. One bit of evidence in regard to this is to be found

- 2 Ye Sons of Harvard, listen unto me, and attend unto the Words of my Mouth; we confess ye have been imposed upon, & greatly injured & peradventure we have done wrong.
- 3 But now ye shall have Redress, and shall have good and wholesome [Butter] served out unto you, & no more bad Butter shall enter within your Walls.
- 4 So the Minds of the Sons of Harvard were appeased, and they departed in Peace.
- 5 But on the Morrow, at the Instigation of Edward (not the chief, but Sirnamed Wiggy) and Thomas, the Rulers called unto them, Daniel, who had first rose up and departed, and threatned Him, saying, unless thou repent, thou, & thy Comrade Thomas shall surely be expell'd.<sup>1</sup>
- 7<sup>2</sup> But Daniel confessed not, neither did he at all flinch.
- 8 Then they willed him to depart; so he came unto the Sons of Harvard & said,
- 9 Behold! the Rulers have called me unto them, and have threatned me, saying, unless thou repent, thou, & thy Comrade Thomas shall surely be expelled.
- 10 Now ye know that I rose up first, and departed at your Desire; Shall I suffer for your Sake?
- 11 Then was the Wrath of the Sons of Harvard kindled within them, and they answered & said, No, verily, neither thou, nor thy Comrade Thomas shall be expelled; nor shall a Hair of your Heads fall to the Ground.
- 12 Now when these Things were reported to the Rulers, they consulted together again and desired the Sons of Harvard to repent.
- 13 But the Sons of Harvard gathered themselves together and went to the House of Edward the chief Ruler,<sup>3</sup> and said, we will not con-

in the records. On 24 September, 1765, the records of the Corporation (College Book No. 7, p. 142) show that the several districts into which the College buildings were divided were settled. The first district comprised "Harvard Hall & the Chapel," i. e. Holden Chapel. In the third volume of the Faculty Records, beginning 13 September, 1766, this distribution of districts is copied in on the first page as a memorandum; but here the first district is "Harvard Hall & the Chapels," i. e. the new chapel in Harvard Hall and Holden, or the "old chapel," as it is called in the Faculty Records of 26 September, 1766, quoted on p. 45, below.

<sup>1</sup> Daniel Johnson, of the Senior Class, and Thomas Hodgson, of the same Class, a North Carolinian, who did not graduate. On 9 March, 1767, Hodgson and six others were rusticated, being guilty of "great and scandalous crimes," according to the 8th law of the 4th chapter of the College Laws.

<sup>2</sup> There is no verse 6 in the original.

<sup>3</sup> Wadsworth House.

fess, and if our Rulers shall punish Asa, or Daniel or Thomas, we will depart everyone to his own Home.

- 14 But Edward said, depart now, and I will hear you after the Evening Sacrifice; so they departed every one.
- 15 And after the Evening-Sacrifice, Edward the Chief Ruler said, will ye confess, or will ye not; but all the Sons of Harvard held up their Hands, thereby signifying that they would not confess: So the chief Ruler dismissed the Assembly.
- 16 Afterwards the Rulers had many Consultations, & determined to call together the great Sanhedrim<sup>1</sup> of Harvard to consult with them.
- 17 So on the 10<sup>th</sup> Month, and on the 11<sup>th</sup> Day of the Month the great Sanhedrim of Harvard met and caused Daniel to confess, and after Daniel many more were prevailed upon by the Threatnings of the Members of the Great Sanhedrim & confessed also.
- 18 So after this there were no more Murmurings in Harvard, but all was Peace and Quietness as it is to this

Day.

Cambridge

Nov<sup>r</sup> 19 1766

The End of the Book of  
Harvard.<sup>2</sup>

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<sup>1</sup> The Board of Overseers.

<sup>2</sup> In the library of the New England Historic Genealogical Society there exists another manuscript of the Book of Harvard which was given to that library in 1879 by the late John Langdon Sibley, Librarian of Harvard College. This manuscript is substantially the same as that in the Harvard Library, but unimportant additions, omissions, and variations indicate that, as might be expected, many copies were probably made of what must have been considered at the time a clever parody, a bit of humor to be circulated and enjoyed in secret.

Doubtless the tale received additions and variations as it passed from hand to hand, and it would be difficult to say which of these two copies was derived from the other, or whether both came from a third. A few variations in the Genealogical Society's copy are worth noting. In Chap. II. v. 5, read "Unless thou makest an humble Confession before all Harvard" in place of "unless thou repent." After v. 11 add "And they ordered these Things to be written in a Book, and all Harvard signed every one his Name." In v. 13 read "But the Sons of Harvard assembled in Unity Hall and went unto the House, etc." In v. 17 the date is given as the sixth day of the month. At the end is inscribed "Joseph Cummings scripsit Jan<sup>r</sup> 7<sup>th</sup> 1767." This may, of course, mean that Joseph Cummings, who was a "Junior Sophister" at this time, was the author, but it is more likely that he was simply the writer of this copy.

In the Records of the College Faculty (III. 3-5) the story of the Rebellion is told as follows:

At a Meeting of the Pres<sup>d</sup>. & Tut<sup>r</sup>. 3 Sept. 23, 1766, Dunbar (a Sen<sup>r</sup>. Soph<sup>r</sup>.) having been guilty of a very great Misdemean<sup>r</sup> by an high act of Disobedience, to the Order of his Tut<sup>r</sup> both before the other Tut<sup>r</sup> & the whole College then assembled at Breakfast, his Case was consider'd & upon due Consideration, They Came into the Following

Vote. That Dunbar, For the great Misdemean<sup>r</sup> he hath been guilty of, in contemptuously refusing Obedience to his Tut<sup>r</sup>. not only before the Rest of the Tut<sup>r</sup>., but also before the whole College then assembled together, Do make a most humble Confession & be degraded to lowest Place in his Class. vid y<sup>e</sup> Confess. in Draw. No. F.

This Vote executed 8 Sept. 24 immediately after morn. Prayer.

At a Meeting of the Pres<sup>d</sup> Profess<sup>r</sup> & Tutors Sep 24. 1766.

Voted, That Mr. Wigglesworth, Mr. Howard & Mr. Willard be a Com<sup>tee</sup> to examine the Condition of the Stewards Butter & condemn what they tho't not proper to be offer'd to the Scholars.

The abovemention'd Com<sup>tee</sup> having made Examination of the Stew<sup>d</sup> Butter bro't in to Us, the following Report.

- N<sup>o</sup>. 1. viz a Barrel condemned absolutely.
- N<sup>o</sup>. 2. a Firkin allow'd for Sauce only.
- N<sup>o</sup>. 3. . . . . condemn'd absolutely.
- N<sup>o</sup>. 4. . . . . allow'd for Sauce only.
- N<sup>o</sup>. 5. . . . . allow'd for Sauce only.
- N<sup>o</sup>. 6. . . . . condemn'd absolutely.
- N<sup>o</sup>. 7. . . . . allow'd for Sauce only.
- N<sup>o</sup>. 8. . . . . condemn'd absolutely.
- N<sup>o</sup>. 9. . . . . condemn'd absolutely.
- N<sup>o</sup>. 10. . . . . condemn'd absolutely.
- N<sup>o</sup>. 11. . . . . condemn'd absolutely.

Resolves come into by the Pres<sup>d</sup>. Profess<sup>r</sup> & Tut<sup>r</sup>. Sept 26. 1766

1. That the Stew<sup>d</sup>. hath been blameable in frequently sending in to the Hall bad Butter since the last Vacation.

2. That the Tut<sup>r</sup>. have from time to time remonstrated to the Stew<sup>d</sup>. against his Conduct & tho' he often promis'd to provide better Butter, yet at Times had continued to send unsuitable Butter into Com<sup>ons</sup>.

3. That the Tut<sup>r</sup>. acquainted the Pres<sup>d</sup>. w<sup>th</sup> regard to the Butter, &

That the Pres<sup>dt</sup>. directed y<sup>e</sup> Stew<sup>d</sup>. to take proper Care with regard to the Butter, for the Future.

4. That the Stew<sup>d</sup>. frequently sending unsuitable Butter into Com<sup>mons</sup>, was a just Matter of grievance to the College in general.

5. That the Undergraduates might w<sup>th</sup>. propriety, have presented a Petition to those in the im<sup>ediate</sup> Governm<sup>t</sup>. of the College, to have this Grievance redress'd.

6. That the Meeting of the Undergraduates in the Old Chapel on Tuesday (Sep. 23. after Dunbar was censur'd) evening, when a Number of illegal Resolutions were made by Them was a Breach of the Law relating to Combinations.<sup>1</sup>

7. That a very great Number of the Undergraduates, going out of the Hall without Leave, on Wednesday Morning, before Thanks were return'd, when also the Tutors were present was a Breach of the Law, Lib. 7, law 5.<sup>2</sup>

8. That the Undergraduates Huzzaing, as soon as They got out of the Hall, was in Contempt of the Governm<sup>t</sup>. of the College.

9. That the Meeting of the Undergraduates on Thursday & Fry-day morning in the Hall, was in Opposition to the Law relating to Combinations.

"A Representation,"<sup>3</sup> drawn up by Professor Wigglesworth, was presented at the meeting of the President and Tutors on 4 October, 1766, was accepted by them, and referred to the Corporation. This "Representation" stated that complaint was made in regard to the butter, by several scholars, on the morning in question; that the Tutors, examining the butter, found it pretty good — much better than they had frequently been served with —

<sup>1</sup> In a copy of the College Laws written out at about this time (probably this very year) for official use, Chapter IV., Law xix., reads as follows:

If any Combination or Agreement to do any unlawful Act or to forbear a Compliance w<sup>th</sup> any Injunction from lawful Authority in the College, shall be enter'd into by Undergraduates, or if any Enormity, Disorder or Act of Disobedience shall be perpetrated by any Undergraduates, agreeable to, or in consequence of such Combination or Agreement in both or either of such cases, such & so many of the Offenders shall upon due Conviction, be punish'd w<sup>th</sup> Degradation, Rustication or Expulsion according to the circumstances of their Offences, as shall be judg'd necessary for the Preservation of good Order in the Society.

<sup>2</sup> The substance of this Law is found in the fourth paragraph of the "Articles" printed on p. 36, above.

<sup>3</sup> The full text, too long for reproduction here, will be found in the Faculty Records, iii. 7-16.

and told them they had no reason to complain. The students then left the Hall, Johnson leading them. They went out in a tumultuous manner, and outside huzzaed in such a way that they could be heard in the town. Afterwards the students breakfasted in several houses of the town, contrary to the spirit of the laws regulating Commons.

The Professors and Tutors, at their meeting 24 September, were informed of the meeting of the scholars on the previous evening, and of the several measures taken by them in regard to calling the bill on Fridays,<sup>1</sup> the punishment intended to be inflicted on Dunbar, and their intention to leave the Hall the next morning if the butter were bad. Various scholars were called in and examined. The unwarrantable conduct of the students was deliberately considered by the President and Tutors, and it was resolved that every just matter of grievance should be redressed; that further care should be taken to prevent the Steward from furnishing bad butter; and that a committee be appointed to inspect the Steward's butter. The report of this committee was published by the President in the Chapel after evening prayers, when he also told the scholars that, though he should not accept their excuses for absence from prayers at calling over the bill, yet if, upon their application to him, he was satisfied their excuses were sufficient, he should remit the punishment.<sup>2</sup>

The next duty of the Immediate Government was to convince the students of the irregularity and illegality of their conduct. Johnson was called to wait upon Mr. Wigglesworth,<sup>3</sup> who had been his tutor, and the evil nature of the students' transactions was duly explained to him. Since he and Hodgson were more active than the others, he was told that they must make a proper acknowledgment; otherwise the Governors of the College could not avoid voting their rustication or expulsion. Johnson replied that he was not more culpable than the others, and that he would not make any confession; that the students intended no disrespect, and that they had no other method of procuring redress.

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<sup>1</sup> See the account of this in the students' "Defence," p. 51, below.

<sup>2</sup> See the reference to the same subject in the students' statement, and the agreement accepted by the Corporation, p. 51 note, below.

<sup>3</sup> Professor Wigglesworth's house stood next to the President's house, about opposite the head of Holyoke Street, a site now occupied in part by Boylston Hall (Paige, *History of Cambridge*, p. 691).

At a second meeting, 26 September, Johnson was called in again, but the interview had no different result. Johnson gave some intimation, however, that he was sensible they had not taken the most prudent steps, and that if their past misbehavior was overlooked, he and the scholars would behave well for the future. At the meeting in the afternoon, Hodgson was called in, and was told that if those who had misbehaved would make a suitable acknowledgment, all past miscarriages would be overlooked.

Upon this, the acknowledgment was draughted in the following terms :

We the Subscribers Students of Harvard-College being now made sensible, That some of our late Proceedings, in Order to procure Relief from a Grievance we have lain under, were irregular & unconstitutional,<sup>1</sup> do hereby manifest our Concern, for every Thing we have said or done, repugnant to the Laws of this Society, (some of w<sup>ch</sup>. we were ignorant of) Or that may be construed as a Disrespect to the immediate govern<sup>mt</sup>. thereof, promising to behave as becomes dutiful & Obedient Pupills for the Future; And y<sup>t</sup>. if any Grievance should occur hereafter, We will seek Redress therefor, by a Proper and constitutional Application to the Governm<sup>t</sup>. of the College.

This was read to Johnson, who replied that he would not sign any confession, and that all the undergraduates would leave College before they would sign any confession. He was told that it was intended only as an expression of sorrow, but Johnson said he could not express any sorrow for anything in the past, for the method they went into was the only one by which they could have obtained a redress of their grievances.

He was told, that the College Law prescrib'd, First an Application to the Pres<sup>dt</sup>. & Tut<sup>rs</sup>., Then to the Corporation & Overseers. He said, if they had proceeded in that Manner, they shou'd have been obliged to have eat all the Bad Butter before They cou'd have procur'd Redress. Upon this he was told, That upon emergent Occasions The Pres<sup>dt</sup>. call'd a Meeting of the Corporation immediately & that if They

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<sup>1</sup> Mr. Albert Matthews points out that the use of this word is interesting as showing how closely in touch the students and Faculty were with the political events of the day. Though known as early as 1743, the word *unconstitutional* first came into vogue in this country in connection with the Stamp Act. See the Nation, 24 December, 1896, lxiii. 472.



had made a proper Application, There might probably have been a Meeting of the Corporation on y<sup>e</sup> next Day.<sup>1</sup>

He was recommended to carry the Acknowledgment to College, and to read it to the scholars, but he absolutely refused, saying he should be afraid to enter the College Yard should it be known that he had such a paper about him, for he should either have his limbs broke or be hissed out of the Yard. He was then told to ask the scholars to draft something of their own, which they might entitle "A Declaration of Grievances and the Reason of their Conduct." Johnson still persisted that he did not think the scholars would sign anything. When he went from the President, he was told that if any person had any objections against signing, when he returned they might come with him and offer them. In about half an hour, almost the whole College was at the President's door, it being then near prayer time. The President told them he would speak with them after prayers, at which time the aforewritten acknowledgment was twice read to them, and they were told that those who had any objection to signing might signify it, upon which all the scholars almost, manifested their unwillingness.

This "Representation" was laid before the Corporation at its meeting on 7 October, on which day the Board of Overseers also met in Cambridge.

At a Meeting of the Pres<sup>d</sup>. & Fellows of Harvard College 3 Oct. 7. 1766.

A Representation of the Pres<sup>d</sup>. Profess<sup>rs</sup>. & Tut<sup>rs</sup> relative to some late illegal Combinations & Proceedings of the Scholars in Opposition to the Governm<sup>t</sup>. of the College (vid. Pres<sup>d</sup>. & Tut<sup>rs</sup>. Book N<sup>o</sup>. 3, p. 7) was now read, And being maturely consider'd it was resolv'd,

1. That the Proceedings of the Scholars, as set forth in the s<sup>d</sup>. Representation, were irregular & disorderly in an high Degree, & tended to the Subversion of the Governm<sup>t</sup>. & Dissolution of the Society & as such justly merited a severe Punishm<sup>t</sup>.

2. That the Conduct of the Pres<sup>d</sup>. Profess<sup>rs</sup>. & Tut<sup>rs</sup>. with respect to those Proceedings, hath been mild & gentle, & that the Acknowledgm<sup>t</sup>. & Submission propos'd by Them, for the Scholars to make, was as moderate, as could be consistent w<sup>th</sup> securing the Ends of Governm<sup>t</sup>. (vid. Pres<sup>d</sup>. & Tut<sup>rs</sup>. Book. N<sup>o</sup>. 3, p. 13)

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<sup>1</sup> Faculty Records, iii. 15.

3. That the Scholars refusing to sign the s<sup>d</sup>. Acknowledgm<sup>t</sup>. or any Thing like to it, argued an high Degree of Contumacy & was a very great Aggravation of their Crimes.

4. That the Scholars ought to be injoin'd to sign a full & ample Confession of their Crimes affores<sup>d</sup>. & to make an explicit Promise of their Obedience to the Governm<sup>t</sup>. of the College for the Future.

5. That if any Scholar shall refuse to sign such Confession & promise, The Pres<sup>t</sup>. Profess<sup>r</sup>. & Tut<sup>r</sup>. be advis'd to proceed against Them according to Law.

6. That if any Scholar shall leave the College in persuance of the Combinations enter'd into as affores<sup>d</sup>. or shall go out of the Town of Cambridge w<sup>th</sup>out Leave, before y<sup>e</sup> Fall vacation which will begin on Wednesday the fifteenth Instant, every Scholar so offending shall be adjudged to have renounc'd his Relation to the College & shall not be again rec'd. into it, w<sup>th</sup> out a Vote of the Pres<sup>t</sup>. Profess<sup>r</sup>. & Tutors.

7. That all the above resolves be laid before the Hon<sup>ble</sup>. & Rev<sup>d</sup>. The Board of Overseers at their Meeting this Day, for their Concurrence.<sup>1</sup>

At the meeting of the Board of Overseers in the Philosophy room at Cambridge, there were present —

His Excellency Governor BERNARD

His Honor Lt. Gov<sup>r</sup> HUTCHINSON

The Hon<sup>ble</sup> M<sup>r</sup> DANFORTH

The PRESIDENT

Gen<sup>l</sup> ROYALL

M<sup>r</sup> APPLETON

Com<sup>r</sup> HUBBARD

M<sup>r</sup> PEMBERTON.

Treas<sup>r</sup> GRAY

M<sup>r</sup> COOKE

M<sup>r</sup> PITTS

M<sup>r</sup> ELIOT

M<sup>r</sup> COOPER

M<sup>r</sup> ADAMS

M<sup>r</sup> BOWEN

The Faculty's "Representation of the present uncomfortable state of the College" and the Corporation's votes were read to the Board, and the Board adopted a series of resolutions (printed in Peirce's History of Harvard University, p. 221) which repeated in effect the votes of the Corporation. The last resolution was as follows:

12. Resolved That this Board will by every way and mean in their power support & encourage the immediate Governors of the College in

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<sup>1</sup> College Book No. 7, pp. 163, 164.

preventing all such unlawful combinations, & in carrying into execution the laws of the College made for that purpose, It being the opinion of this Board that if in consequence of the punishment of such combinations, many persons who are now Students, should finally leave the College it will be by far less mischievous to posterity & the future well-being of the College than to suffer such offences to pass with impunity.

13. Voted That The Overseers will be present with the Scholars in the Chapel & that His Excellency the Governor be desired to read the foregoing resolutions to the Scholars & enforce them in such manner as he shall think proper.

Before the next meeting of the Board, on 10 October, a Committee on behalf of the Scholars had drafted a Defence of their Proceedings, which is here printed from the copy preserved in Clement Weeks's note-book. So far as I know, it is not preserved elsewhere, though the records of the Overseers' meeting on 10 October show that the paper was read before the Board.

#### THE ARGUMENTS IN DEFENCE OF THE PROCEEDINGS OF THE SCHOLARS.

TO THE HON<sup>d</sup> & REV<sup>d</sup>  
THE BOARD OF OVERSEERS OF  
HARVARD-COLLEGE.

GENT<sup>l</sup>,

As the Students of this Society have been lately accused of entering into Combinations contrary to the Laws, & disrespectful to the Governors of the College; & as the Hon<sup>d</sup> & rev<sup>d</sup> the Board of Overseers have thought fit to take the affair into their Consideration; we beg Leave in the most decent & respectful Manner to lay before you our Transactions & vindicate ourselves from the Injustice of such Charges.

As it was the general Opinion of the Undergraduates, that they labored under several Grievances, the Redress of which we might obtain in a just & lawful Way; a Meeting of the Scholars was much desired to consult such Measures, as might answer the purposed End.

They were accordingly convened on the Evening of the 23<sup>d</sup> of Sept<sup>r</sup> & came to the following Resolutions, wh<sup>h</sup> we shall mention in their Order, & the Motives on which they were founded.

1<sup>st</sup> "That altho' the President had forbid us to offer as an Excuse, "for Absence from Prayer *detentus a Nuncio Paterno*, such as were "really detained, should offer it; and if the President refused to accept "it, nor would hearken to any Application made afterwards to him, they

"would instead of hearing the weekly Bill, leave the Chappel as soon as the Declaimers had finished on a Friday-Morning." The Phrase taken in a literal Sense, intends only a Messenger from a Parent; Custom, however, has given it a more extensive Meaning. It has been used to signify the Company of any of our Relations, who were not inclined to attend with us in the Chappel; & whom we could not conveniently leave; & in this Sense it has ever been understood.

To refuse such an Excuse, is, we suppose extremely hard; it is [in] effect to impeach our Honesty, in a publick Manner, & to charge us with a notorious Falsehood; But an absolute Prohibition of such an Excuse, must be much harder. To what End are we required to give a Reason for our Absence, if we were not allowed to offer one that is reasonable: this is we humbly conceive, to condemn us without a Hearing, which is directly opposite to the first Principles of Law & Equity, & renders the Recital of the weekly Bill a mere Form without any Advantage. Upon such Principles we may easily be justified in leaving the Chappel, by which we only intended to intimate that it was equally agreeable to us, whether we were punished without giving a Reason, or required to give a Reason, & yet forbid to offer one that is just. On this Head, Gentlemen, we have since been entirely satisfied, by the publick Assurance of the President himself: that he would relieve us on a proper Representation to him, after the Recital of the weekly Bill.<sup>1</sup>

The next Vote that was passed was this "That if Dunbar was rusticated or expelled, we would resent his Punishment in a proper Manner." As the Request he made, was reasonable; & the Denial of it hard, &

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<sup>1</sup> This refers to an agreement accepted by the Corporation, which it was expected would diminish the discontent that naturally attends the attempted abolition of an ancient and convenient practice. In the Faculty Records (iii. 6) we find the following entry:

The Following was an Agreem<sup>t</sup>. of y<sup>e</sup> Corpor<sup>n</sup> when they met here on D Sept. 29. 1766, who tho't it not proper to make a formal Vote upon the Affair, wherefore it is not enter'd in the Corporation book.

It is agreed that when at the Calling over the Bill on Fryday Mornings, Answer shall be made by the Students as their Excuse for Absence, Ex Opido, non bene valui, Detentus à Nuntio Paterno or Ab Amicis, It shall be left to the Pres<sup>dt</sup> Discretion to punish as he may at that Time think proper; But then, That such several Punishm<sup>ts</sup>. shall, before They are carried to the Butler, be deliver'd to the Tut<sup>rs</sup>., in Order, That such as are so punish'd, may give their Reasons for Absence, if any They have, to their Respective Tut<sup>rs</sup>., Which if, upon inquiry, they find to be sufficient, They shall certify the same to the Pres<sup>dt</sup>. in order to obtain a Remission of s<sup>d</sup>. Punishm<sup>t</sup>.

It must be remembered that punishments at this time consisted almost exclusively of what President Quincy calls "pecuniary mulcts," and that the account of the fines imposed was kept by the Butler.

also the Command enjoined unnecessary; so Sympathy with our Fellow-Student led us to interpose in his Behalf. Gratitude also for his kind Intentions to relieve us under a Difficulty we had long complained of (as it indeed gave Rise to the Dispute) afforded us a stronger Motive.

As we never had Occasion to fulfil the Vote, & as no particular Method was then agreed on, we have no Reason to think we should have done it otherwise than by a proper Application on his Behalf. But if we had proceeded so far as to share his Fate; — that we have a Right to leave this Society when we please (with the Consent of our Parents or Guardians) we suppose no one will question.

We then came to a third and last Resolution, “that if bad and unwholsome Butter was served out to us on the Morrow, or any longer, & our repeated Complaints were not heard, we would leave our Breakfast, & march out of the Hall.” On the Morning following, the same sort of Butter was brought, of which we had complained. In Pursuance of our Vote we thereupon left the Hall.

That the Butter was bad and unwholsome no one can deny: — had it been the first time, or had it happened rarely, we should have been content: — This, however, was not the Case, we had been served with it from Morning to Morning for a considerable Time before.

We sought for Relief according to the Directions of the Law;<sup>1</sup> by this it is ordered, that we first apply to the President & Tutors, & in Case of Refusal, to the Corporation; — We could not shew so much Disrespect to our worthy Tutors, as to accuse them of refusing to give us Relief, while they assured us from Time to Time that they had done all that lay in their Power to remove the Difficulty we complained of; & till we met with an absolute Refusal, we could not apply to the Corporation: nor are we sensible that we contradicted the Law by leaving the Hall, as this supposes such Food is prepared for us, as is suitable & convenient, & will prevent the Necessity of such an Action.

But as it did not answer this Character, & as we can perceive no Propriety in waiting to return Thanks to Heaven for a Bounty of which we had not partook we thought this a sufficient Excuse.

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<sup>1</sup> Chap. IV., Law xxiii., of the College Laws reads as follows:

No Scholar (or his Parent or Guardian in his behalf) shall exhibit to any other Authority y<sup>n</sup> that of the College, a Complaint against any of the Governors or resident Members thereof; for any Injury cognizable by the Authority of the College, before he has sought for Redress to the President, Professors & Tutors; & in case of their denying him Relief, to the Corporation & Overseers; & if any Scholar (or his Parent or Guardian for him) shall without such Application made or contrary to the Determination of the Corporation & Overseers, carry said Complaint to any other Authority, such Scholar shall forthwith be expell'd the College.

That it was attended with Noise, we cannot deny, but as the Noise was made without Forethought, and by a few who were rash & inconsiderate, as it has since been disapproved of, and as the Faults of Individuals are not chargeable on a whole Community, it may very well deserve Pardon. It seems irrational to suppose that so large a Number could go from any Place on a sudden without Tumult & Disorder. Were we to offer our humble Opinion, we should accuse the Steward as the Author of this Disturbance; — we are well assured that he had positive Orders to send none of that Butter into the Hall on the Morning we left it. Who then is most culpable, he, that (contrary to an Authority to which he is accountable) served us with the same Butter, or we who only neglected to eat it? In such a Case, to go out of the Hall is so far from Disrespect to the Government of the College, that it is only a Contempt of the Disobedience of the Steward.

An Action so unexpected to the Tutors of the Hall, led them to examine the Grounds of our Complaint, & brought us that Relief, which before we had sought for in vain. This Instance of the Goodness of our Instructors, we acknowledge with Gratitude.

The Reverend, the President, was pleased to inform us in a mild & endearing Speech, of the Relief granted; which silenced every Complaint, & excited the warmest Emulation to excel in dutiful Behavior.

How great was our Surprise, at a Time when we were easy & contented, were willing to pay the utmost Subjection to the Government of the College, to find that we were desired to make this Confession — “That we had acted contrary to the Laws of the College” (of which we were ignorant) “and would return to our Obedience, would seek the “Redress of future Grievances in the Method prescribed by Law.”

We met immediately according to Desire, we considered the Proposal with all the Attention that was due. As we could not pretend Ignorance of the Law, while each had a Copy in his Hands, as we sought Relief according to the Directions of it, so far as it was in our Power, nor were any Way defective in our Obedience, we could by no Means consent to make this Confession.

To acquaint the President with this Resolution, we formed ourselves into regular Ranks, & marched in a Body to his House, where he Referred us to the Chappel for a hearing. After Evening-Service was ended, a Paper was read amounting to a publick Confession, — “That “we acted in an irregular & unconstitutional Manner, — that we [were] “sorry for our Offence, & promised to behave as dutiful Pupils for the “future.” The same Reason which prompted us to refuse the former, prompted us to signify our unanimous Dissent to the latter Paper; & we leave it with the venerable Board to judge, whether it would be

right, — whether it would be agreeable to the Dictates of Reason, & our own Consciences, to acknowledge that we were wrong, when we neither intended, or offered any Insult on the Government of the College, had only taken such Methods as were best, & most effectual, such as upon the maturest Reflection, we have no Reason to repent of.

Our immediate Governors before that Affair were lavish in their Encomiums on our remarkable good Order; — They have since acknowledged the regularity of our Behavior since. If then, Gentlemen, the general Tenor of our Conduct has been agreeable to the Laws of the College, whence can arise so violent a Suspicion that we are desirous to throw off Authority; — such an Intention was far from that which influenced our Proceedings. The only Motive on which they were founded, was, a Desire of relieving ourselves. We have been careful to preserve ourselves from every Disturbance, & to inculcate upon each other, at our Meetings (& elsewhere) the firmest Obedience to the Authority over us. So far are the Sinews of Government from being relaxed, that we are well assured it was never on a firmer Basis.

This Gent<sup>r</sup>. is a fair & explicit Account of the Affair, — these are the Arguments we urge in our Defence, we hope they will afford Satisfaction to a respectable Body, in whose Judgment we repose much Confidence, as Persons of the first Eminence in the Commonwealth. We submit them to your serious Consideration; should you, in your superior Wisdom, judge them to be insufficient, we profess ourselves open to Conviction, & when sensible of our Error, will make all due Acknowledgements.

We conclude with our earnest Wishes of Harmony to your Counsels, & of Success to your Endeavors for the Peace & Welfare of this Society.

Signed in the Name of the College by	{	THOMAS BERNARD	} College Committee <sup>1</sup>
		ISAAC SMITH	
		ZEPHANIAH BRIGGS	
		ASA DUNBAR	
		DAVID GREEN	
		STEPHEN PEABODY	
		GEORGE CABOT	

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<sup>1</sup> Bernard, Smith, Briggs, and Dunbar were Seniors, and their signatures follow in the same order in which the men had been "placed" in their Class. Green (whose name is spelled Greene in the Quinquennial Catalogue) was a Junior, Peabody was a Sophomore, and Cabot a Freshman. George Cabot does not appear in the Quinquennial Catalogue. He was born at Salem, but there is uncertainty as to the date of his birth. The date given in the biograph-

It will be noticed that the first member of the Committee was Thomas Bernard, whose father, Governor Francis Bernard, presided over the meeting of the Overseers. In College at the same time and taking part in the proceedings of the scholars were William Hutchinson, a son of Lieutenant-Governor Thomas Hutchinson, three sons of Professor Winthrop, — Adam, James, and William, — Peter Oliver, third son of Andrew Oliver, Samuel Adams, son of the patriot Samuel, John Bulkley, grandson of the Rev. Peter Bulkley of Concord, Benjamin Wadsworth, a grand-nephew of President Wadsworth, besides others belonging to prominent Massachusetts families. Among the "Junior Sophisters" was also Jonathan Hastings,<sup>1</sup> a son of the Steward<sup>2</sup> whose

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ical dictionaries is 3 December, 1751; by Mr. Lodge, 16 December, 1751. The Faculty Records (iii. 41) state that he was born 3 December, 1752, and that he was thirteen years and seven months old at the time of his admission to College in July, 1766. This statement is clearly wrong, as he was baptized 19 January, 1752 (Historical Collections of the Essex Institute, viii. 206). His birth is not entered, as Mr. George F. Dow kindly informs me, in the Salem Town Records. He was "placed" seventeenth in a class of forty-two, 26 March, 1767, and left College 19 March, 1768. For the reasons which caused him to leave College, see H. C. Lodge, *Life and Letters of George Cabot*, pp. 8, 9. In July, 1779, Cabot, who later became United States Senator from Massachusetts, was a delegate from Beverly to the State Convention which met at Concord to consider questions of the currency. This seems to have been the occasion of his receiving the degree of A.M. in that year from Harvard College.

<sup>1</sup> Jonathan Hastings (H. C. 1768), a son of Jonathan Hastings of the Class of 1730, was appointed Postmaster of Cambridge 8 July, 1775, as the successor of James Winthrop (H. C. 1769), whose amusing letter of resignation is in *Paige's History of Cambridge*, p. 700 *note*. Mr. Hastings later removed to Boston, became Postmaster of that town, and died 8 March, 1831.

<sup>2</sup> I am indebted to Mr. Henry H. Edes for the following information. Jonathan Hastings, Steward of Harvard College from 1750 till 1779, graduated in the Class of 1730 with Chief-Justice Oliver. He was the eldest son of Jonathan and Sarah (Phipps) Hastings; born in Cambridge 1 January, 1708-9; purchased, in 1742, and occupied as his residence till his death the estate subsequently known as the Holmes Place; married, 31 October, 1750, Elizabeth Cotton, daughter of the Rev. John Cotton (H. C. 1710) of Newton; "was an ardent patriot in the War of the Revolution;" and died 16 February, 1783. His son Walter Hastings (H. C. 1771) was a surgeon in the Revolutionary Army and may have accompanied Dr. Joseph Warren to Bunker Hill on the afternoon of 17 June, 1775, from his father's house in Cambridge whence Warren is known to have gone to the battlefield. Dr. Walter Hastings's gold cuff-buttons, which he wore during the engagement at Bunker Hill while caring



butter had caused the outbreak. He apparently took no part in the disturbance and it would be interesting to know something of his relations with his classmates at this time.

An adjourned meeting of the Board of Overseers was held on October tenth. The record of this meeting begins:

The Representation of the President Professors & Tutors read

A Paper said to be found on the Chapel door read.

A Paper signed by a number of the Scholars, who call themselves a Comtee read

A Confession signed by 43 Scholars read

The text of the Confession is found in the Faculty Records (III. 17), with the votes passed by the Overseers. The entry in the margin reads: "The Scholars in the Combination &c their pretended Submission to the Governm<sup>t</sup> of the College." The Confession is as follows:

TO THE REV<sup>d</sup>. THE PRES<sup>nt</sup>. & TO THE PROFESS<sup>rs</sup>. AND

TUTORS OF HARV. COLLEGE

GENTLEMEN,

As the Undergraduates of this College have been inform'd, That their late Transactions, have had a Tendency, to disturb the Peace & good Order of this Society; We do therefore to testify our earnest Desire, to promote that Harmony w<sup>ch</sup>. ought ever to subsist, and to remove any Suspicion, w<sup>ch</sup>. may have arisen in the Breasts of our immediate Govern<sup>r</sup>., freely acknowledge, That our Proceedings have been attended, w<sup>th</sup>. some irregularity; That we are sorry, if by any of our Actions, we have incurr'd the Displeasure of any of our Worthy Instruct<sup>rs</sup>.; Wou'd have persu'd better & more lawful Methods, if we were sensible of Them; Are willing to pay all due Respect to the Authority over us, and if any future Grievance should arise, will seek for Redress

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for the wounded, are still preserved as a precious heirloom in the family of his descendants. It was in memory of his father Walter Hastings (1778-1821), of Townsend, Massachusetts, a graduate of 1799, and of his grandfather the above-mentioned Dr. Walter Hastings (1752-1782) of Chelmsford, a graduate of 1771, that the late Walter Hastings (1814-1879), a Boston merchant, left to Harvard the large bequest which was used in part to build Walter Hastings Hall (Paige, History of Cambridge, pp. 575-577; Wyman, Genealogies and Estates of Charlestown, i. 480, ii. 749; Vital Records of Newton, pp. 263, 303; Jackson, History of Newton, pp. 127, 128, 130; Frothingham, Life and Times of Joseph Warren, pp. 510-513; Boston City Records of Deaths).

according to the Directions of Law; And hope by the regularity of our Conduct, to reinstate ourselves in the Good Opinion of our Instruct<sup>rs</sup>. & reflect Honour on this Society.

In the Name of the Undergraduates.

EDW <sup>d</sup> . OXNARD	} Com <sup>tee</sup>
ISAAC SMITH	
THO <sup>s</sup> . HODGSON	
ZEPHANIAH BRIGGS	
DAVID GREEN	
GEORGE CABOT	

The votes passed by the Overseers at this meeting are given in Peirce's History of Harvard University, p. 222. The Overseers declined to consider the Confession offered one that could be accepted "consistently with the maintenance and support of government in the College," but recommended the acceptance of a full confession if it should be presented. If no such confession should be made, the Faculty was desired "to proceed to a vigorous execution of the laws of the College," and it was declared that "if any scholar shall, from resentment at any censure or punishment of a fellow scholar, absent himself without leave from the College, he shall be deemed to have renounced his relation to the College, and shall not be again admitted without an express vote of the Faculty."

Such were the "threatnings" of the "Great Sanhedrim" to which our Biblical account refers.

The Faculty Records, after giving the votes of the Overseers in full, tell us how the whole affair was closed (III. 18, 19):

The above Votes [of the Overseers, 10 October] were read by the Pres<sup>dt</sup>. in the Chapel the next morning after they were pass'd, to the Scholars, who were told, That as many as were so minded might that Day have an Opp<sup>ty</sup>. to sign such Confession as should be drafted for Them, the Copy of w<sup>ch</sup>. Confession here followeth,

We the Subscribers being now made sensible, That some of our late Proceedings in Order to obtain Relief from a Grievance We labour'd under, were irregular & unconstitutional; That our resolving to go out of the Chapel in a disorderly Manner, & to leave College in Case Dunbar should be rusticated or expell'd, or if our Absence from Prayers was not excus'd by the Pres<sup>dt</sup> when We should respectively answer *Detentus a Nuntio paterno*: And that our entering into a written In-

gagem<sup>t</sup>. to do the same, if any public Censure should be inflicted upon any Student, for his being concern'd in the late extraordinary Transactions; Were Violations of our Duty as Pupils, inconsistent w<sup>th</sup> the Peace & good Order of this Society & eventually tended to its Destruction; And that our Offence, in entering into the aboves<sup>d</sup>. Resolutions is aggravated by the Obstinacy we discover'd in refusing to sign a Moderate acknowledgem<sup>t</sup>. of the same, & a Promise of future good Conduct, when invited thereunto by the Pres<sup>d</sup>. Profes<sup>r</sup> & Tut<sup>r</sup>., w<sup>th</sup>. a Promise that our Misconduct shou'd be overlook'd upon our Compliance: [vid. p. 13, 14.] Do hereby manifest our hearty Sorrow for every Thing *Each of us severally have done*, contrary to the good Order & Laws of the College, & humbly ask Pardon therefor of every Person to whom We have Given just Cause of Offence: promising that if We shall hereafter be under any Grievance or Difficulty, We will seek Redress in a regular constitutional Way, & That We will never enter into any agreem<sup>t</sup>. to oppose the good Govern<sup>t</sup> of this Society, but on the contrary will alwaies discountenance, & to our utmost, endeavour to prevent, all disorderly unlawful Combinations, & in all Respects behave as dutiful & obedient Pupils.

The above was signed by all the scholars, except four who had no hand in the opposition, eleven who were out of town at the time, and two who went out of town in the midst of it, — that is, by 155 out of 172.

As an additional illustration of the methods of discipline at this time and of the quality of the relation between Faculty and students, the following paragraph may be quoted which is to be found on the first fly-leaf of the third volume of the Faculty Records, which begins in September, 1766. Its position in the volume indicates that it was customary, as the fifth of November with its characteristic temptations approached, to warn the students in no uncertain terms of the risk they ran in yielding to them.

At [a meeting] of the Pres<sup>d</sup>. & Tut<sup>r</sup>. Nov. 4.

Voted, That in Consideration of the Disorders that have sometimes been on the fifth Day of Nov<sup>r</sup>. Each Tut<sup>r</sup>. should Charge his Pupils, That They should not throw Squibs or Crackers &c within the College yard That Evening, & y<sup>t</sup> They should not dare to make Destruction of any Fence &c. for any Bon-fire: And to be all @ their Chambers, @ Nine o'Clock according to College Order: And that the Pres<sup>d</sup>. be desir'd

to give the like Direction, publicly in the Chapel after Evening Prayers on the Morrow.

W<sup>ch</sup>. Direction & Order I have now hereby given you, & remember you are now fairly Warned, wherefore if any of you shall presume to make a Breach upon this Order, it is at yo<sup>r</sup> Peril.

Dr. JAMES READ CHADWICK and the Rev. JAMES EELLS of Boston were elected Resident Members, and the Rev. Dr. JOHN CARROLL PERKINS of Portland, Maine, was elected a Corresponding Member.

## FEBRUARY MEETING, 1905.

A STATED MEETING of the Society was held at No. 25 Beacon Street, Boston, on Thursday, 23 February, 1905, at three o'clock in the afternoon, the President, GEORGE LYMAN KITTREDGE, LL.D., in the chair.

The Records of the last Stated Meeting were read and approved.

The CORRESPONDING SECRETARY reported that letters had been received from the Rev. JAMES EELLS and Dr. JAMES READ CHADWICK, both of Boston, accepting Resident Membership, and from the Rev. Dr. JOHN CARROLL PERKINS of Portland, Maine, accepting Corresponding Membership.

President KITTREDGE announced the death at New York on the fourteenth instant of the Hon. JAMES COOLIDGE CARTER, an Honorary Member.

In the absence of Mr. JOHN NOBLE, on account of illness, Mr. HENRY W. CUNNINGHAM read on his behalf the following tribute to Mr. Carter's memory :

On Tuesday, the fourteenth of February, after a brief sickness, James Coolidge Carter, one of the few Honorary Members of this Society, died at his home in New York, in his seventy-eighth year.

For years he had been the acknowledged head of the New York Bar. When the last vacancy occurred in the office of Chief-Justice of the United States, in the Administration of President Cleveland, he was said to have been the first choice of the President for the position, — the unanimous and enthusiastic choice of the Bar of New York and the Bar of New England, and a favorite in the South and in many other sections. His fitness was everywhere

recognized; but an appointment was impossible by reason of controlling geographical and political considerations. Known as a lawyer and as a man, throughout the length and breadth of the land, — with an international reputation likewise, won by legal successes and successes which savored of diplomacy as well as of law, — with a life, public and private, spotless, — and with a lifelong career, not so much blazoned in ephemeral columns as written in the history of the profession and of the country, — his name is one which we may be proud to reckon on our Roll.

He was a many-sided man, — a man of varied activities and of wide interests. He was, perhaps, best and most widely known as a great lawyer. Starting in New York soon after leaving Harvard, a young man unknown and with few friends, he had to go through the usual struggle for advancement; his rise was rapid and steady, till in the course of years he stood at the head of the profession.

To touch on all the noted cases in which he was engaged would be impossible, — to name a few will indicate the character and range of his work. Among the earlier cases, many of them with Charles O'Connor, were the series growing out of the Jumel Will; later the famous litigation for the City of New York over the frauds of the Tweed Ring, resulting in a final judgment of some six millions; numerous suits in Admiralty, among them those on the interpretation of the United States Navigation Laws; cases involving the regulation of great railroads, — the Nebraska Rate Case, the Missouri Transportation Case, the Joint Traffic Transportation Case; and numerous Constitutional Cases, among them the famous Income Tax Case, and many other notable suits involving constitutional questions; to say nothing of very many important cases where merely private interests were at stake.

He had all the qualities which go to make the great lawyer, — learning broad and profound, grip of fundamental principles, power of statement, keenness of perception, commanding presence and that indefinable something which carries conviction and insures success, courage, coolness, honor, independence, aggressiveness, unerring legal instinct worth all the rest, forceful eloquence, and moral as well as intellectual strength which dominated all.

The Court Room was not his only forum. Much of his most important work was done on public Commissions. He was upon that appointed by Governor Tilden to draft a constitutional provision

for the Administration of Municipal governments in the State of New York, and wrote the Commission's Report; he was on the Constitutional Commission named by Governor Hill for framing a judicial system for the State. For several years he was the most strenuous opponent before the Governor and Legislature of the proposed enactment of a Civil Code, drawn up and urged by David Dudley Field, who found him a worthy and successful foe. This was a subject in which he was vitally interested, and in connection with which he wrote and published much; among these addresses and monographs were the Proposed Codification of our Common Law; the Provinces of the Written and Unwritten Law; the Ideal and the Actual in the Law.

With Edward J. Phelps and Frederic R. Coudert he was appointed by President Harrison as counsel for the United States before the Bering Sea Tribunal in Paris, which adjusted the disputed question between Great Britain and the United States. The importance of the question at issue, filled as it was with dangerous possibilities; the parties, — two great powers of the world; the distinction of the opposing counsel, — Sir Charles Russell, the Attorney-General of England, Sir Richard Webster, and Mr. Christopher Robinson; the eminence of the seven arbitrators who composed the august tribunal, — the Baron Alphonse de Courcel, Senator of France, its President, John M. Harlan, Justice of the Supreme Court of the United States, John T. Morgan of the United States Senate, the Right Honorable Lord Hannen, Lord of Appeal, and Sir John Thompson, the Minister of Justice for the Dominion of Canada, and the two named by Great Britain, — the Marquis E. Visconti Venosta, Senator of Italy, and His Excellency Mr. Gregers Gram, for Sweden and Norway; the forum, a forum of Nations; each and all made the occasion momentous. It was in the course of this historic hearing that occurred the remarkable tribute paid by the President of that high Court to Carter as he ended his long and powerful argument:

Mr. Carter, at the conclusion of this long and weighty argument, without presuming to express any opinion in reference to the merits of your case, I cannot refrain from expressing my acknowledgment of the lofty views which you have taken of the general principles involved in your subject, and which you have developed before us. You have

spoken in a language well worthy of this high Court of peace between Nations.

You have spoken for mankind.

As a citizen he was alive to every public question, — he held his opinions strong and clear, — and had the courage to express them.

Aside from his professional work, his never ceasing intellectual activity is indicated by many writings upon public, political, and literary questions, and many addresses delivered before associations and universities.

Though always interested and often active in politics, he never held political office; but in public, literary, and other organizations of various kinds, he filled in the course of his life numerous official positions, and in them all made himself a power. He was President of the Bar Association of New York, which he was largely instrumental in forming; of the American Bar Association; of the Harvard Law School Association, of which he was the first incumbent of the office; of the Alumni Association of Harvard; of the Phi Beta Kappa Society; of the New York Harvard Club; of the City Club, instituted for the reform of municipal administration in New York City; and of the National Municipal League, to name no more. He was likewise a member of the Union League Club; the University Club; the Century Club; the Down Town Club; the American Museum of Natural History; the National Academy of Design; and of the New England Society in New York. He was one of the Committee of Fifteen appointed by the Chamber of Commerce to investigate vice in the Metropolis, a body whose work is well known. He was a member of the American Philosophical Society, and a Fellow of the American Academy of Arts and Sciences. He was an Overseer of Harvard College, from which he received the degree of LL.D. in 1885; and Yale conferred upon him the same honor in 1901.

I will not attempt to follow at any length the wide range of his interests, or dwell upon the reputation and standing which his life had so well earned, deserved, and secured.

This mere mention carries a suggestion of the activity, the energy, and the capacity which marked him in every relation of life.



In speaking of Carter's life, one cannot leave unmentioned that friendly rivalry, that warmest of friendships, that side-by-side career, which for half a century existed between two eminent men whose names are borne upon our Roll, to the honor alike of both. I can find no more forcible rating of the one than the generous estimate of the other,<sup>1</sup> given a few years ago: "When Carter retires he will leave room for a thousand lawyers."

A few days ago a Baltimore journal said:

In the death of James C. Carter, the bar of New York loses its most distinguished member, and the public life of the nation one of its finest, purest, and most high-minded representatives. Mr. Carter was a man of that highest type in which one is at a loss to say whether it was in professional eminence, in useful and disinterested citizenship, or in the possession of the finest attributes of the old fashioned gentleman, that he was most notable and most to be admired. The type is a rare one.

The New York Sun reported a sermon preached in a well known church of that City on 'The Government's Obligation and the Right of the People. In the preacher's protest against the commercial and material spirit of the times, is this reference to Carter:

There died in this City last week a gentleman of the old school. I cannot let this day pass without calling attention to the death of James C. Carter, a man whom I was honored in knowing. He was a man of noble thought, deep intellect, great character, the manners of a prince and the culture and refinement of a savant. In my youth Mr. Carter was pointed out to me and it was with a thrill of pride that I noted him as he walked up the Avenue, typifying to me in his every bearing the gentleman.

I must not, however, quote unduly from the newspaper references to his death, for the opinions are concurrent, the characteristics sharply set out and the final judgment alike in all, — the recognition of the intellectual power, the dominant personality, the lofty character, the moral force, that marked the man and gave him distinctive preëminence.

<sup>1</sup> The Hon. Joseph Hodges Choate.

It is a somewhat striking circumstance that a man of such commanding ability, of such wide and impressive influence in so many and so diverse ways, of powers so often and so publicly manifested, went through life regardless and in fact independent of newspaper fame. Sure of himself, well poised and independent, too proud or too careless to seek notoriety or to court popularity, he brought into modern life a type of the old Roman spirit. He had his ideals; their fulfilment was all he sought; results were his only care and ambition. He was a man of the strongest likes and dislikes, and with him friendship or love ended only with life.

It is not his professional career, or his public life, that is uppermost to-day in the thoughts of those who had known and loved him for fifty years and more. No name brings back so vividly the early days of College life, — more than half a century ago, — so revives the old class spirit and feeling — a thing unknown and impossible under the college conditions of to-day, — so awakens memories of a long ago. We recall the old-fashioned recitations, when the elective system was but in its infancy, and when all had the same work and measured themselves one with another; the declamations and sporadic lectures, — the strain of the themes and forensics; the gathering of the whole class at prayers, — irksome it may have sometimes seemed, but yet enjoyed, and with a softened haze about it as looked back upon to-day.

College interests and politics are alive again, and he a central figure in them all. We are once more in the old clubs, — the Institute of 1770; the Hasty Pudding with its goodfellowship and jollity, its ambrosial nights and its songs of fifty years ago, Carter its President and Orator, and its mysterious officer of the Cabalistic Greek, and also the occupant of another office, potent but not enrolled; the Alpha Delta Phi few in number but strong in leadership and influence; the Boat Club where he pulled stroke in the old lap-streak, the Undine, of famous history, and we kept time to his oar. We are again in the thick of the multitudinous football on the Delta, and ready as of old to answer anywhere to the rallying cry of '50.

Class Day comes back — with Carter as the Orator, — the prized distinction then, and not, as now, a Marshalship, — the day of days of the College life with something in it which we lack in the bar-

baric splendor of the present. We look back with a lingering reverence to the old Faculty, now gone every one. All that made the Harvard of yore came up whenever in after years we heard his hearty greeting and caught the smile of lip and eye, and felt the hearty grip of his hand,—and all comes back again to-day, as we reckon his name among the dead. More than all comes up that friendship and affection, which has held unchanged and changeless through the passing and estranging years,—heartier and stronger even than ever,—and an abiding possession in the veterans of '50. He was always an intense Harvard man; he showed that feeling consistent and steady through life, and his large bequest is but an instance and a consummation of the life-long devotion.

Few will forget the impressiveness of his words when he spoke for the Class at the Commencement Dinner in Memorial Hall in 1900. That powerful statement of the results of the past through Harvard men,—the tendencies of the present, and the prospects of the future,—gathering strength upon strength as it went on and holding the host of listeners till it seemed as if the traditions of eloquence lived again, his enunciation of the duties of the hour for Harvard men, uncompromising and fearless and of matchless force,—concluding with that appeal which thrilled the audience,—was a revelation of his own ideals and an unconscious embodiment of the man himself.

His own words are its fitting expression. After a reference to the manly and courageous character of the graduates of the Class of 1850, the influence of such leaders of thought in the theological world as Dr. Andrew Preston Peabody, Dr. James Walker, the Wares, and others in the Unitarian denomination, and of other Harvard men in other fields of action, and speaking of those sons of Harvard who on either side bared their breasts to the iron hail of the Civil War, he asked:

What has become of the spirit, the philosophy, the ideals, which held such firm control at the middle of the century? Discredited at least, if not dismissed, must be our confession. And what have we in their place? Can a calm and just answer to this question avoid the admission that our society, both in thought and action, is under the control of an enormous pressure of material interests which hold in disdain any appeals to universal principles of truth and right? And these results have been reached, or are defended, not by appeals to reason, to

truth, to science, or to history, but by the assertion that there are *irresistible tendencies* to which we must not only yield but which we must support and urge forward because they are irresistible, and those who deny their rectitude and struggle against them are stigmatized as impracticable theorists, or traitors to the interests of humanity.

Against this abandonment of reason and morals, this substitution of brute force or blind fate in the place of truth and right, I utter an humble protest. I am no devotee of the past, or believer in the finality of any past solutions of human problems, either in morals or politics. It may well be that the changes in human affairs, and especially such portentous ones as are now challenging the attention of mankind, require a revision of old theories. Nations have their duties to perform as well as individuals, which must be performed at whatever sacrifice of inconsistent opinions. This great nation of ours undoubtedly has duties to the world as well as to itself, and these must be performed even if we have to cast away the glittering generalities of the Declaration or even republican government itself.

But before we discard the long accepted teachings of the past let us be sure that they have fulfilled their function and require revision. Let them stand until new ones, reached in a reverent effort to find out what is true and right, have been ascertained and established; and, meanwhile, let the pressure of material interests, the denunciations of politicians, and the clamors of yellow journalism be set at defiance.

I appeal to you, Mr. President Eliot, and trust that you, and your successors after you, will see to it that truth, truth in science, truth in morals, truth in politics, *truth*, when exiled from the market-place, the legislative hall, the pulpit, or the rostrum, shall find a refuge and a sanctuary *here*; *here*, where of old an altar was consecrated to her service, where from of old she has had her arms and her chariot; *here*, where her name has for centuries stood emblazoned, where a priesthood of the great and the good have for generations delivered her oracles; *here* let truth, liberty, and justice be held in ever-increasing honor, and assert the everlasting supremacy of the moral over the material world.<sup>1</sup>

Mr. HENRY H. EDES made the following communication:

In a note in the Annals of King's Chapel (II. 348), the Rev. Henry W. Foote quotes obituary notices of the Rev. Dr. Henry

<sup>1</sup> Mr. Carter's address was printed in the Harvard Graduates' Magazine for September, 1900, ix. 67-70.

Caner from the Boston Gazette of 11 February, 1793, and the Columbian Centinel of 13 February, 1793, which state that he died at Long Ashton in Somersetshire at the age of 93. No date is given, and the Boston papers cite a recently received English newspaper as their authority for the announcement.

Mr. Foote's note continues:

I am informed by Mr. Henry O'B. O'Donoghue, of Long Ashton, near Bristol, that "there is no tombstone in the Church-yard with Dr. Caner's name, nor any trace to be found of such a person ever having lived in the Parish."

Mr. Foote naturally supposed that the Boston newspapers had made a typographical error as to the *place* of Dr. Caner's death, since it was inconceivable that his correspondent had failed to consult the Burial Register of the Parish, with which I understood Mr. Foote to say in conversation, Mr. O'Donoghue had some official connection. Last summer Mr. Albert Matthews obtained for me in England from the Vicar of Long Ashton a certificate of the burial of Dr. Caner, but was unable to find Dr. Caner's will. Later, I gave Mr. J. Henry Lea a commission to search for this will, and have recently received from him a copy of it, which he found in the Prerogative Court of Canterbury.<sup>1</sup> Finally, I am indebted to the Lord Mayor of Bristol for sending me a copy of an extract from the Bristol Journal of 3 November, 1792, containing a notice of Dr. Caner's death at Long Ashton on Tuesday, 30 October, 1792. These documents follow.

## I

Same day [30 October, 1792] died at Long Ashton, aged 93, the Rev. Henry Coner, D.D. sometime since rector of King's Chapel at Boston, in New England; whose placid and amiable disposition endeared him to all his acquaintance, & whose useful & relative virtues, together with his work and uniform deportment through life, both pub-

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<sup>1</sup> Mr. Lea generously declined to accept a fee for this search, saying that he was glad to contribute this interesting will to the common knowledge concerning a prominent figure in the history of King's Chapel and of Boston.

lic and private, adorned his character and profession as a Christian and the Divine.<sup>1</sup>

## II

## CERTIFICATE OF BURIAL.

BURIAL in the PARISH of Long-Ashton in the County of Somerset in the year 1792					
No.	Name	Abode	When Buried	Age	By whom the Ceremony was performed
	Henry Caner D.D.		Nov. 8 <sup>th</sup>	93	

I, Lucius H. Deering, Vicar of Long-Ashton in the County of Somerset, do hereby certify that the above is a true copy of Entry No. . . . in the Burial Register of All Saints Church, Long Ashton.

LUCIUS H. DEERING

Vicar

Witness my hand this 10<sup>th</sup> day of September 1904.

## III

## WILL OF REV. HENRY CANER DOCTOR IN DIVINITY.

Dated February 2nd 1788.

I, Henry Caner, formerly of Boston in New England, one of the United States of North America but now of the parish of Long Ashton

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<sup>1</sup> Bristol Journal, 3 November, 1792, No. 952, p. 3/5. Mr. Matthews found notices of Dr. Caner's death in the following British magazines and newspapers: Scots Magazine, November, 1792, liv. 571; Gentleman's Magazine, November, 1792, lxii. 1058; European Magazine, November, 1792, xxii. 400; Lloyd's Evening-Post, 5-7 November, 1792, p. 446/3; St. James's Chronicle, 3-6 November, 1792, p. 3/2; London Chronicle, 6-8 November, 1792, p. 443/2; Public Advertiser, 7 November, 1792, p. 3/4; Star, 7 November, 1792, p. 4/3. In all these notices Dr. Caner's name is spelled "Conor," except in the Scots Magazine, where it is disguised as "Canec." In this form the name appears in Musgrave's Obituary. To the keenness of Mr. Henry E. Woods I am indebted for recognizing our Dr. Caner under this form.

in Somerset near the city of Bristol, Doctor in Divinity, make my last will etc :

To Patience Murrey<sup>1</sup> formerly of Boston, but now residing in said Bristol an annuity of Twelve Pounds for life.

To William Bacon of Thavies<sup>2</sup> Holborn in London Esquire and Robert Hollowell<sup>3</sup> of College Street in said Bristol Esquire, all my

<sup>1</sup> An examination of the King's Chapel Registers, which were recovered from Dr. Caner's heirs in 1805, reveals the name of Patience Murray, who appears to have been the mother of an illegitimate child baptized in July, 1749, and buried in the following September. She also appears among the sponsors at the baptism of several children between 1757 and 1774.

<sup>2</sup> Thavies Inn.

<sup>3</sup> Robert Hollowell was of the Boston family of that name, a younger son of Benjamin and Rebecca (Briggs) Hollowell, born in July, 1739. His father was a Boston merchant, and the Navy Agent of the Port. The son, —

after holding the post of Collector of Portsmouth [New Hampshire], succeeded his brother Benjamin in the Collectorship of Boston, when Benjamin became a Commissioner of Customs. His remarkable urbanity and gentleness of manners protected him from personal animosity, even in the discharge of this very obnoxious office, which he held at the time when the tea was destroyed in the harbor, and when the Port was closed by act of Parliament.

Sabine (*Biographical Sketches of Loyalists of the American Revolution*, i. 508-511) and Snow (*History of Boston*, pp. 260, 384) have confused these brothers. It was Benjamin Hollowell whose house in Hanover Street was attacked by the mob which sacked Governor Hutchinson's house, 26 August, 1765. The site of this house was subsequently occupied by Dr. Lyman Beecher's church. It was on the south side of Hanover Street, its easterly boundary line being about twenty feet west of what is now Friend Street, and to-day is traversed, diagonally, by Washington Street, which was extended through the estate in 1873. The lot had a frontage of about 80 feet, and a uniform depth of 94 feet.

Robert Hollowell married Hannah Gardiner, a daughter of Dr. Sylvester Gardiner, at King's Chapel, 7 January, 1772; was an Addresser of Gage 6 October, 1775; went with his family to Halifax in March, 1776; was proscribed and banished in 1778; went to England and settled in Bristol; returned to Boston in 1792 and resided in the family mansion in Batterymarch Street, built after the great fire of 1760; removed to Gardiner, Maine, in 1816; died there 23 April, 1818, and was buried 25 April, under Christ Church. Mr. Hollowell's return to New England just before Dr. Caner's death accounts for his failure to qualify as one of the executors of his will (*Family Bible*; *Boston Record Commissioners' Reports*, xxviii. 107, xxx. 364; *Suffolk Deeds*, xciv. 205, cxxxiv. 60; *Suffolk Probate Files*, nos. 16794, 17663; 1 *Proceedings of the Massachusetts Historical Society*, xviii. 266, Second Series, x. 164, 174, 175; *Province Laws*, v. 913, 915, 1005, 1054; *Collections of the Maine Historical*

freehold at Boston<sup>1</sup> aforesaid with yard, garden, orchard, &c. and all residue of goods and chattels, all sums payable to me by Act of Parliament, &c. *in trust* under such limitation as Sarah Gore<sup>2</sup> now residing at Long Ashton aforesaid, widow of John Gore late of Boston aforesaid, merchant, whether as sole or covert, by her deed or will shall appoint, and during her life time said Trustees shall pay her all rents profits, &c. for [? from] said real and personal estate.

I make said Trustees joint executors in trust they to reimburse themselves for all costs and charges.

[Signed]

HENRY CANER

[Wits:]

GEORGE WOOKEY of Long Ashton

THOS: KNIGHT of same

and ARTHUR: PALMER Attorney at Law, Bristol.

Proved at London 11th January 1793 before Sir William Wynne, Knight, Dr. of Law and Commissary of the Prerogative Court of Canterbury, by William Bacon Esq., the surviving Executor.<sup>3</sup>

Mr. LINDSAY SWIFT asked for information in regard to the pronunciation of Dr. Caner's name. Mr. EDES replied that it was pronounced as if spelled "Canner," with the accent on the first syllable.

Mr. DENISON R. SLADE communicated a letter written by Horatio Gates 4 April, 1776, to Henry Bromfield of Boston; the draft of a letter written by Henry Bromfield to Washington in 1776; and a letter written to Henry Bromfield by Nathanael Greene 24 January, 1778. These follow.

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Society, vii. 408-428; Foote, *Annals of King's Chapel*, ii. 147, 159, 312, 313, 591).

<sup>1</sup> Dr. Caner's "freehold at Boston" was the estate in Tremont Street, between the old Boston Museum and King's Chapel Burial-ground, long owned and occupied by the Massachusetts Historical Society. It was confiscated at the Revolution and never recovered by Dr. Caner or his heirs. See Suffolk Probate Files, no. 16426; Suffolk Deeds, clxxvii. 82; 2 Proceedings of the Massachusetts Historical Society, x. 162, 170; Sabine, *Biographical Sketches of Loyalists of the American Revolution*, i. 292; Foote, *Annals of King's Chapel*, ii. *passim*.

<sup>2</sup> Mrs. Sarah Gore was a daughter of Dr. Caner (Foote, *Annals of King's Chapel*, ii. 347-350).

<sup>3</sup> Prerogative Court of Canterbury, Dodwell 12.



## I

CAMBRIDGE Thursday morning<sup>1</sup>

DEAR SIR

His Excellency General Washington will be in Boston a little after two O Clock, in his way to Providence; he will do himself the pleasure to Eat a Snack with you before he leaves the Town. M<sup>r</sup>. Washington, & the Ladies, are gone by the Way of Hartford; so there will [be] only Three or four Gentlemen with the General. My respectfull Compliments wait upon M<sup>r</sup>. Bromfield

I am Dear Sir

Your most Obedient

Humble Servant

HORATIO GATES

(Henry Bromfield Esqr;)

[Addressed]

To

Henry Bromfield Esq'  
Queen Street  
Boston

## II

SIR

I am hon<sup>d</sup> w<sup>h</sup> your Excellencies Favor of 24<sup>th</sup> June which came to Hand at a time that I was absent abroad on a Journey in the Country, [which<sup>2</sup>] this w<sup>h</sup> a great Uncertainty whether to undertake the Task assign'd me therein has been the Reason, that I have not return'd an earlier Answer. At length, however, upon the Consideration of the Delay a Refusal must occasion, & that [others<sup>2</sup>] the Excuse I might alledge in my Favor might be pleaded by others who most probably must have been in the same Situation, viz. a [total Ignorance<sup>2</sup>] unacquaintedness w<sup>h</sup> y<sup>e</sup> Value of the various Articles to be appriz'd, has determin'd me to undertake the Trouble in con Junction with M<sup>r</sup>. W<sup>m</sup>. Davis Merch<sup>t</sup> of this Town on Behalf of Cap<sup>t</sup>. Manly & his Crew. We have spared no Pains to ascertain the Value of y<sup>e</sup> diff<sup>t</sup> Articles; in Order to which we have applied to all the Traders & Mechanicks most conversant therein, & have from the Information rec<sup>d</sup> from them & others, most capable of giving it, endeavor'd to make an Estimation as

<sup>1</sup> The date "1775" is written in pencil in a modern hand. The letter was written Thursday, 4 April, 1776, for on that day Washington left Boston for Providence (W. S. Baker, *Itinerary of General Washington*, 1892, p. 86).

<sup>2</sup> Erased in the original.

near to Truth as might be, which however it may deviate I am conscious on my own part cannot be attributed to Intention or Neglect. & I hope will be such as to meet w<sup>h</sup> y<sup>e</sup> Approbation of your Excellency & the Hon<sup>le</sup> Congress [I am <sup>1</sup>] I have y<sup>e</sup> Honor to be w<sup>h</sup> greatest Esteem & Respect <sup>2</sup>

## III

CAMP NEAR VALLEY-FORGE

January 24<sup>th</sup> 1778.

SIR,

This will be handed you by Abraham Lott Esquire,<sup>3</sup> a Gentleman of fortune and family belonging to the City of New-York. I beg leave to recommend him to your particular notice, and can assure you his acquaintance is well worthy your cultivation. He lives now in New-Jersey, his politeness and hospitality has endeared him to all the Officers of the Army.

I am Sir, your most

Obed<sup>t</sup> humble Serv<sup>t</sup>

NATH GREENE

M<sup>r</sup>: HENRY BROMFIELD

[Addressed]

To

M<sup>r</sup>: Henery Bromfield

In

Boston

[Filed]

General Greene's  
Letter Valle Forge  
29 Jan 1778

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<sup>1</sup> Erased in the original.

<sup>2</sup> The letter to which this was a reply was dated New York, 24 June, 1776, and related to the sale of ordnance stores captured by Capt. John Manly in October, 1775. Mr. Slade exhibited the original letter. The letter (wrongly dated 25 June, 1776) is printed in Force's American Archives, Fourth Series, vi. 1067. Cf. *Ibid.* pp. 532, 1713; and see the Journals of Congress (1823), i. 204, 378. For notices of Captain Manly, see the Publications of this Society, v. 274 note 1, viii. 99 note.

<sup>3</sup> Abraham Lott was in mercantile business in New York, occasionally officiated as Clerk of the Colonial Assembly, was subsequently appointed Treasurer of the Province, and died in 1795. See Thompson, History of Long Island (Second edition, 1843), ii. 469-472; T. Jones, History of New York during the Revolutionary War, i. 101; A. D. Mellick, Jr., Story of an Old Farm, p. 475; G. W. Greene, Life of Nathanael Greene, i. 376, 377; Probate Records in the office of the Secretary of State at Trenton, New Jersey, xxxvi. 167.

Mr. SLADE also read a paper on a portrait of Margaret (Fayerweather) Bromfield, which he believes to be an early example of Copley, and exhibited several photographs of other family portraits and miniatures by Copley, Smibert, Denton, Stuart, and S. F. B. Morse. Mr. Slade spoke as follows:

The picture before us — that of Mrs. Margaret (Fayerweather) Bromfield — is doubtless one of Copley's early efforts. It came into the possession of the family of our late associate Dr. Daniel D. Slade from a distant relative, Mrs. Margaret Bromfield (Pearson) Blanchard of Harvard, Massachusetts, who died 29 November, 1876. Mrs. Blanchard always referred to the picture as the work of Copley, — this, too, at a time when there was no particular interest in the fact that Copley was the artist. Copley, born 8 July, 1737, was twelve years old when Margaret Fayerweather became the wife of Henry Bromfield 17 September, 1749. Mrs. Bromfield died 3 May, 1761. Copley's step-father, Peter Pelham, died in 1751. William H. Whitmore says:

Pelham most probably taught his step-son, Copley, the rudiments of his art, whilst his example must have been of timely service in fostering such tastes as the child may have shown. The household of Peter Pelham was, perhaps, the only place in New England where painting and engraving were the predominant pursuits.<sup>1</sup>

That Pelham and John Smibert, the artist, were associated together, not only on terms of friendship but of business, is proved by the inscription on a large engraving entitled, —

A plan of the City and Fortress of Louisbourg { with a small  
P. Pelham fecit 1746 { plan of the Harbour  
Sold by J. Smibert, Queen st.

Boston, N. E.<sup>2</sup>

What was more natural in such a small place as Boston in those days than that Copley, the boy artist, should see and be influenced by the congenial work of the two friends, Pelham and Smibert?

<sup>1</sup> Proceedings of the Massachusetts Historical Society, ix. 205.

<sup>2</sup> A copy of this engraving is in the Portsmouth, New Hampshire, Athenæum.

There are certain characteristics in the picture before us that suggest Smibert, — the small head, the stiff, wooden appearance of the figure; but then again the stronger elements of a Copley crop out, — “the rose,” the fall of lace shading the roundness and curve of the arm, the pedestal or column, the landscape background, and what is most conclusive the manner in which the rich satin of the dress is painted. By comparing the work in this particular picture with that in known portraits by Smibert, it is easy to discern the superiority of Copley's early treatment of his special favorite details — satin and silk.

In the house of Mrs. Blanchard at Harvard, Massachusetts, was discovered a large old-growth pine plank with the inscription in old time handwriting, “For Copley's pictor.” Whether it has anything directly to do with the portrait before us is a matter of conjecture, but it shows us that there were relations of some sort with Copley as artist.

There are in my possession several letters in which there are references to a portrait by Copley, and excerpts from these follow.

# I

## HENRY BROMFIELD TO SARAH (BROMFIELD) PEARSON.

CHELTEHAM (ENGLAND) Feb. 19th, 1827.

. . . I do not forget that you are my oldest Sister, & except myself the only remaining Child of our Dear Maternal Parent, which has ever been held in Remembrance & had its influence upon me — till lately I did not know what was become of her Picture, & was informed, I think by young M<sup>r</sup> Rogers [the late Henry B. Rogers of Boston] that it is in his Mother's House, which I am at a loss to account for, but suppose it was left in Boston to avoid the injury to which it would have been exposed by a Removal to Harvard — under the circumstances attending it, I cannot Suppose Sister Rogers will feel much objection to its Removal, and when informed of its being safe in the Mansion at Harvard, I will send you the Portrait of our Dear Father<sup>1</sup> to accompany it — if I remember right the sizes of the two are about the Same — the latter I shall send in a tin case without a frame, to be put into one after its arrival, either corresponding with the other, or into one of more modern appearance, conforming the other to it, not ostentatious but of moder-

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<sup>1</sup> Colonel Henry Bromfield.

ate appearance . . . the great Bible which you mention was my Uncle Edward Bromfield's . . . I wish to have [it] placed at Harvard with the Pictures of my Father and Mother. . . .

Your affectionate Brother

H. BROMFIELD

[Addressed]

To

Mrs Sarah Pearson

Harvard Mass.

## II

### SARAH (BROMFIELD) PEARSON TO HENRY BROMFIELD

Boston, 29 April 1827

[at the house of Mrs D. D. Rogers Beacon hill]

MY DEAR BROTHER

I thank you very much for the promise of my father's picture. Mr H. Rogers was under a great mistake respecting my Mother's. It has been in my possession for many years, so that you may send my father's as soon as you please — Our Mother's never was framed. We shall attend to your directions when it arrives. If you recollect, grandfather Bromfield's picture which was a full length portrait, & Uncle Edward's taken with a microscope, have been in this house ever since Mrs. Pelham's death [29 April, 1789]. My grandfather's was sadly abused by one of the childrens driving a stick through it & made a large rent. Since I have been here, I sent them to be hung up in the old mansion.<sup>1</sup> Mrs P. said it should be repaired. We will see about it soon, & deposit them at Harvard. . . .

From your affectionate

Sister

S. PEARSON

[Addressed]

To

Henry Bromfield Esq

28 Great Winchester Street

London Wall

London

Margaret Fayerweather was the daughter of John and Jerusha (Groce) Fayerweather,<sup>2</sup> was born in Boston 19 March, 1732,

<sup>1</sup> The Bromfield-Phillips mansion in Beacon Street, of which a cut is given in the Memorial History of Boston, ii. 521.

<sup>2</sup> In a previous communication (v. 210) it was erroneously stated that Mrs. Bromfield was the daughter of Thomas Fayerweather.

baptized a week later at the church in Brattle Square, and married Henry Bromfield of Boston, 14 September, 1749. Five children were born to them, two of whom died young. Those who grew up were Henry Bromfield of Cheltenham, England; Abigail Bromfield, who became 15 October, 1781, Mrs. Daniel Denison Rogers, whose portrait by Copley is considered one of the best of his efforts; and Sarah Bromfield, who became the wife of the Rev. Dr. Eliphalet Pearson and the mother of Mrs. Margaret Bromfield Blanchard, from whom the portrait before us came to its present owner. Mrs. Margaret (Fayerweather) Bromfield died of small-pox while on a journey at Brookfield, Massachusetts, 3 May, 1761.<sup>1</sup>

Mr. EDES communicated the following letter written by Nathaniel I. Bowditch to his brother Dr. Henry I. Bowditch, then in Paris, relating to the death and funeral of Dr. Spurzheim.<sup>2</sup>

Boston Nov. 16 1832 Friday eve

DEAR HENRY,

Dr Spurzheim died on Saturday evening Nov 10 at 5 minutes past 11 o'clock at Mrs Lekain's<sup>3</sup> in Pearl St. deeply regretted by his numer-

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<sup>1</sup> For information in regard to the various persons mentioned in these remarks and letters, see the Publications of this Society, v. 193-211, vi. 77 and note, 78 note, 217, 221 and note, viii. 289, 290; Boston Record Commissioners' Reports, xxviii. 27, 238.

<sup>2</sup> Johann Caspar Spurzheim, born in 1775 or 1776 near Treves, came to Boston from New York in August, 1832, and delivered many lectures here previous to the illness which proved fatal. For notices of him, and for accounts of his funeral, see the Boston Daily Advertiser, 12, 19 November, 1832, pp. 2/3, 2/2; Boston Evening Transcript, 12, 19 November, 1832, pp. 2/1, 2/1; Boston Daily Atlas, 12, 16 November, 1832, pp. 2/4, 2/3. See also N. Capen's Reminiscences of Dr. Spurzheim and George Combe (1881), pp. 34-43, 88-91; C. Follen's Funeral Oration (1832); and p. 79 note, below. The arrival of Spurzheim in Boston was noticed in the Boston Daily Atlas, 23 August, 1832, p. 2/5, and in the Boston Evening Transcript, 23 August, 1832, p. 2/1. In the Boston Daily Atlas of 20 November, 1832, William Pendleton advertised that he would publish immediately "a first rate Lithographic Print of this distinguished character, from a half length Painting by Mr. Fisher, representing him in the act of lecturing" (p. 3/2). The painting was on exhibition at Mr. Fisher's rooms, 21 School Street.

<sup>3</sup> Mrs. Sarah Le Cain or Lekain's boarding-house was then at No. 3 Pearl Street. She appears in the Boston Directory as early as 1823 as residing in

ous friends & acquaintances in this city — On Sunday forenoon several individuals who had attended his lectures & were desirous of testifying their respect for the deceased met at his lodgings — Among them were Hon Josiah Quincy President of Harv. College Drs Beck,<sup>1</sup> Follen<sup>2</sup> & Barbour,<sup>3</sup> Professors, Thos W Ward Esq<sup>4</sup> Treasurer, and Agent of the house of Baring Brothers & Co — John Pickering Esq. author of the Greek & English lexicon — a certain person<sup>5</sup> who is President of the American Academy & Translator of the Mekanique Celeste of La Place &c. At this meeting it was determined that there should be a

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Pearl Street and as late as 1837, when her boarding-house was at Nos. 4 and 5 Pearl Street. No. 3 was the third door from Milk Street on the east or harbor side. Our associate Mr. Thomas Minns states that "up to 1840 or later the street was numbered 1 to 12 on the east side from Milk to High Streets and 13 to 22 on the west side, returning." Mrs. Le Kain died 5 October, 1843, at the age of 87 (Boston City Records; Mt. Auburn Cemetery Records and Monument).

<sup>1</sup> Charles Beck.

<sup>2</sup> Charles Follen.

<sup>3</sup> Jonathan Barber, M.D., was Instructor in Elocution at Harvard College, 1830-1835; the first Vice-President of the Boston Phrenological Society, organized 31 December, 1832; and Professor of Oratory at McGill University, Montreal, 1858-1864. The University Librarian, Mr. Charles Henry Gould, writes me that —

he was a member of the Royal College of Surgeons of London. He practised homoeopathy in Montreal, being indeed, I believe, the first to introduce this practice in Montreal. One of his daughters married Mr. Christopher Dunkin who was a very well known judge and prominent citizen of the Province of Quebec, living in Knowlton. He also had another daughter who lived in Montreal until comparatively recently, unmarried.

Dr. Barber was the author of *A Grammar of Elocution*, New Haven, 1830; *A Practical Treatise on Gesture*, Cambridge, 1831; *An Address before the Boston Phrenological Society on the Evening of its Organization at the Masonic Temple*, 31 December, 1832, Boston, 1833; and *An Introduction to the Grammar of Elocution*, Boston, 1834. He was born in England in 1784 and died near Montreal, 11 May, 1864 (Boston Athenæum Catalogue; manuscript letter of James Atkins Noyes). See Capen's *Reminiscences of Dr. Spurzheim*, pp. 120, 175, 177.

<sup>4</sup> Thomas Wren Ward was Treasurer of the Boston Athenæum, 1828-1837. He was also Treasurer of Harvard College, 1830-1842, and in 1843 received from it the honorary degree of A.M. He was a son of William and Martha (Proctor) Ward; born in Salem, 20 November, 1786; married Lydia Gray, 13 November, 1810; and died in Boston, 4 March, 1858 (Quincy, *History of the Boston Athenæum*, p. 139; *Historical Collections of the Essex Institute*, v. 212, 215; Boston City Records).

<sup>5</sup> Nathaniel Bowditch, LL.D., father of the writer of the letter.

public funeral on Saturday Nov 17 (tomorrow) at the principal chh in the City (the Old South) that an eulogy should be pronounced by Dr Follen — that no societies or bodies of men should be invited to be present officially but that it should be a celebration of the citizens individually to which each citizen by becoming a party would express his own sense of the loss sustained by the Community.

Mess Ward Pickering & Bowditch were also appointed a committee to take all proper measures for securing the goods & effects of Dr. S — Accordingly his collection of casts masks skulls drawings &c. and all his other property were carefully collected & transported to an apartment in the Boston Athenæum and an Inventory was made out by Dr Bass<sup>1</sup> the librarian, Edward Wigglesworth Esq<sup>2</sup> & by myself. All the private papers correspondence & journal of Dr S. were selected & arranged by me — They have been seen by no one except me & I have avoided any further examination of them than was necessary, as we considered them as a record of the private views opinions & feelings of the deceased which should be sacred in the eyes of a stranger —

On Monday next according to arrangements already made Mr Ward will take out administration<sup>3</sup> on the estate for the purpose of collecting

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<sup>1</sup> Seth Bass, M.D., was the eldest son of Seth and Mary (Jones) Bass of Quincy, and was born in 1780. He graduated in medicine at Dartmouth College in 1815; married Ann Lovett Harmon at Beverly 12 February, 1826; was Librarian of the Boston Athenæum 1825-1846, and with his family occupied rooms in the Athenæum building then located in Pearl Street; removed to Stow, Massachusetts, but did not practise his profession as he was nearly blind, and died there 30 December, 1867, at the age of 87 years and 6 months, although the Town Records of Stow erroneously give the date as 31 December (Bates, Records of the Town of Braintree, 1886, p. 882; Faxon, History of the Faxon Family, 1880, pp. 190, 267; General Catalogue of Dartmouth College, and the Associated Schools, 1900, p. 327; Quincy, History of the Boston Athenæum, pp. 98, 173; Middlesex Probate Files, no. 19611 (Petition); Boston Evening Transcript of 3 January, 1868, p. 3/4; State House Returns of Deaths (Stow), cciii. 187).

<sup>2</sup> Edward Wigglesworth (H. C. 1822).

<sup>3</sup> Suffolk Probate Files, no. 30044. In all the proceedings in the Probate Court the intestate is described as "Gaspard Spurzheim; physician." The net amount of the estate was \$2,796.85, and this was decreed by the Court to be distributed equally to his sister, "Madam Marie Therèse Spurzheim widow of Mr. Nicholas Hermesdorf of Schweick in the Canton of the same name and District of Treves in the Grand Dutchy of the lower Rhine," and his two brothers, "Willibrod Spurzheim of Oedenburg in Hungary, watchmaker," and "Mr. Charles Theodore Henry Spurzheim of Vienna, Master Saddler."



the debts & that he may be enabled by getting the legal control of the property to remit the same to Europe — The sureties on his administration bond are father & me — The Inventory will be returned to Court under oath on Monday & the estate will be fully settled as soon as possible and without any charge or expense — Every one among us feels a pride & pleasure in being able in any way to express his regard & esteem for the deceased & his regret for his sudden & melancholy death. But a few months since Dr S. came among us a stranger known only by reputation — Yet in this short interval he made himself more cordial friends than many could have done in an whole life — The course of lectures in Boston was attended by a more brilliant & select company than ever before listened here to any other lecturer upon any subject whatever — Without perhaps in any instance, inspiring a full belief in his favorite theory he was admitted to possess remarkable talents for lecturing. The acute & accurate observation of nature his philanthropy & his moral philosophy were admired by all — The success [which] attended his efforts induced him to continue them too long — an unwillingness to disappoint his audience led him to the lecture room when his frame had become enfeebled and the excitement of the moment was followed by greater debility & exhaustion — He had finished his 17th lecture & but one more remained and it was not decided where it should be delivered.<sup>1</sup> With a view to settle this point, at the end of the lecture he said “My friends where shall we next meet?” Little did the speaker or his hearers anticipate that they were never to meet again — The lecture of his own death in the midst of life was a more impressive one than any he could himself have delivered.

His death was in many of its circumstances happy & fortunate — He received the devoted attentions of two young medical friends in his last illness (Drs Grigg<sup>2</sup> & Lewis<sup>3</sup>) There were numberless acts of kindness

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<sup>1</sup> The earlier lectures were delivered in the Hall of the Boston Athenæum in Pearl Street, but as it proved to be too small to accommodate the audience the later lectures were heard in the old Masonic Temple, which stood at the northeasterly corner of Tremont Street and Temple Place and is now occupied as a dry goods store by R. H. Stearns and Company.

<sup>2</sup> William Grigg, M.D., son of John and Maria (Pell) Grigg, was born in New York 30 May, 1805; graduated at the College of Physicians and Surgeons in the City of New York in 1826; married in Boston, 5 October, 1827, Eunice

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<sup>3</sup> Dr. Winslow Lewis (H. C. 1819). Dr. James Jackson had charge of the case and Dr. John Ware and Dr. Jonathan Greely Stevenson were called in consultation several days before Dr. Spurzheim's death (Capen, *Reminiscences of Dr. Spurzheim*, p. 30).

shewn him by others — The Community at large felt a deep interest in the subject and the highest medical talent & the warmest zeal were exerted & manifested in his behalf — He has died in the fulness of his talents & reputation leaving behind him the sincere respect esteem & regrets of all our citizens. His body, if the assent of his friends is obtained, will rest in the new Cemetery of Mount Auburn in Cambridge — and a simple granite obelisk<sup>1</sup> will point out the interesting spot, itself a slight monument erected by the citizens of Boston to the memory of the distinguished foreigner who died among us —

Yrs. truly N. I B.—

[Addressed]

D' Henry I Bowditch  
(care of Messrs Hottinguer & Co)  
Paris  
France

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Maria Faxon, daughter of Nathaniel and Eunice (Bass) Faxon and niece of Dr. Seth Bass; became a licentiate of the Massachusetts Medical Society in 1828; practised his profession in Boston, 1828-1836, residing with his father-in-law at No. 30 Atkinson (now Congress) Street; was of the committees to arrange for the funeral of Spurzheim, and to superintend a post-mortem examination and to procure a cast of his head; had some connection, not now determined, with the Boston Athenæum in 1835 and 1836; had a daughter, Mary Pell Grigg, born 31 May, 1834, baptized at the Church in Federal Street 5 October, 1834, whose name was changed by act of the Legislature, 17 March, 1841, to Mary Josephine Faxon, and who married in Boston 8 November, 1858, Edward William Forbush (H. C. 1854); and died in 1836 (Faxon, History of the Faxon Family, 1880, pp. 190, 267; Catalogue of the Alumni, Officers and Fellows of the College of Physicians and Surgeons in the City of New York, Medical Department of Columbia College, 1807-1881; Massachusetts Medical Society, Catalogue of its Officers, Fellows and Licentiates, 1781-1893, p. 201; Boston Directory, 1828-1836; Records of the Church in Federal Street, Boston; Boston City Records, Marriages in 1858 no. 1722, Deaths in 1871 no. 508; Nahum Capen's Reminiscences of Dr. Spurzheim, p. 36).

<sup>1</sup> Dr. Spurzheim's tomb, of which a picture will be found in Sketches of Boston, Past and Present (1851), part ii. p. 107, was erected at the expense of the Hon. William Sturgis (1 Proceedings of the Massachusetts Historical Society, vii. 463). Dr. Spurzheim's body was the second to be interred at Mt. Auburn. Dr. J. Collins Warren (H. C. 1863) writes me that Spurzheim's brain was preserved, with his skull, many years in the Mastodon Room, No. 92 Chestnut Street, Boston, but in time the brain preparation became spoiled and the brain no longer exists. The skull is now in the Warren Museum at the Harvard Medical School. The elder Dr. John Collins Warren (H. C. 1797) performed a post-mortem examination of Spurzheim's body (Edward Warren, Life of John Collins Warren, ii, 11, 12, 25; 1 Proceedings of the Massachusetts Historical Society, vii. 463; Capen, Reminiscences of Dr. Spurzheim, pp. 2, 36, 43-45).

President KITTREDGE related from memory an amusing story about Nathaniel Bowditch and John Gummere, President of Haverford College, and has secured from Professor Francis B. Gummere, the grandson of President Gummere, the following authentic version.

After John Gummere had published his *Surveying* and his *Astronomy*, he had much correspondence with Dr. Bowditch, who warmly urged the Quaker mathematician by no means to omit a personal visit, if chance should ever bring him to Boston. This opportunity offered in time; the visitor sent up his name—pronounced as in “Montgomery”—and was duly ushered into the presence. To his great surprise, instead of cordial welcome John Gummere found a somewhat stiff gentleman who remained standing, and asked politely but coldly what was wanted. Amazed, the visitor replied that he had been urged to come. Bowditch, remembering no such name, looked incredulous. At last Gummere referred to the correspondence. “What!” cried the Navigator, “Why did n’t you say you were John Gummere?”—making the name rhyme in fact as in sound with “dear,” and, if report be true, embracing and kissing his guest. But this I refuse to believe. It would too glaringly affirm France and deny Boston.

Mr. THOMAS MINNS gave an account of Pearl Street and its residents between 1800 and 1850.

Mr. CLARENCE WINTHROP BOWEN of New York was elected a Corresponding Member.

## MARCH MEETING, 1905.

A STATED MEETING of the Society was held at No. 25 Beacon Street, Boston, on Thursday, 23 March, 1905, at three o'clock in the afternoon, the President, GEORGE LYMAN KITTREDGE, LL.D., in the chair.

The Records of the last Stated Meeting were read and approved.

The CORRESPONDING SECRETARY reported that letters had been received from Mr. FRANCIS HENRY LEE of Salem, and Mr. HORACE EVERETT WARE of Milton, accepting Resident Membership, and from Mr. CLARENCE WINTHROP BOWEN of New York, accepting Corresponding Membership.

The CORRESPONDING SECRETARY also reported some valuable gifts of books from Dr. DANIEL C. GILMAN, a Corresponding Member, which were gratefully accepted.

The subject of permanent quarters for the Society was discussed and referred to the Council for consideration.

Mr. JOHN NOBLE read extracts from advance sheets of the third and last volume of the Records of the Court of Assistants, which will cover the period 1642-1673. The volume will comprise restored fragments of the records,<sup>1</sup> the original book or books having long since disappeared. These fragments, consisting of certified copies of portions of the records culled from Court files of the older Counties of Massachusetts and from the Archives of Massachusetts and other States, cover a wide range of subjects, — judicial, historical, and antiquarian, — and are also of great practical value, having been cited and used effectively in litigation in the Counties of Suffolk, Essex, Norfolk, and Bristol. One

<sup>1</sup> See the Publications of this Society, v. 116-132.

subject of great interest included in the volume is the ownership and title of Nahant.

Mr. ANDREW McFARLAND DAVIS read the following paper on —

CURIOUS FEATURES OF SOME OF THE EARLY NOTES OR BILLS  
USED AS A CIRCULATING MEDIUM IN MASSACHUSETTS.

The first attempt, after the days of barter were over, to furnish a substitute for coin as a medium of trade in Massachusetts, which has left a well-defined trace behind it, was made in 1681. The projector of the Company through which this was accomplished, who was identified by Mr. Trumbull<sup>1</sup> as the Rev. John Woodbridge, asserts that his attention was attracted to the subject as early as 1649 by Potter, the author of the *Key to Wealth*, and that in 1671 an experiment was carried on in private which was stopped "when bills were just to be issued forth."<sup>2</sup> Then came the establishment in the fall of 1681 of "The Fund at Boston in New England," an association of Boston merchants, organized for the purpose of mutually adjusting their debts, through Credits in the Fund, based upon Mortgages of Lands or deposits of goods.<sup>3</sup> A few months' trial seems to have favorably impressed the associates, and Woodbridge was then employed to write a prospectus of the Company which should be an explanation of its purposes and an appeal to the public for approval and support. "Severals relating to the Fund,"<sup>4</sup> a publication which appeared in the spring of 1682 and of which a single copy has been preserved, was the result. If the quaint obscurity of the phraseology of this work makes the text of the pamphlet difficult to understand for one accustomed to modern methods of expression, and if we admit that such a document issued for a similar purpose to-day would be worse

<sup>1</sup> *First Essays at Banking in New England*, Proceedings of the American Antiquarian Society for October, 1884, p. 268.

<sup>2</sup> *Tracts relating to the Currency of the Massachusetts Bay*, p. 9.

<sup>3</sup> The Fund was described by me in a paper read before the American Antiquarian Society, 29 April, 1903, and published in the Proceedings of that Society, pp. 368-384.

<sup>4</sup> "Severals relating to the Fund" is the first tract in *Tracts relating to the Currency of the Massachusetts Bay*.

than useless, we must in justice to the author, in making an estimate of its contemporary value as a prospectus, take into consideration the different style of composition in use at that day. In any event, we must be grateful to him for having preserved for us a description of the Fund and its methods, which without serious effort is capable of interpretation.

"Credit" was the underlying idea of the Fund, and the security of the "deposit in Land, real, durable & of secure value" was evidently preferred to what was then termed the "Merchandise Lumber."<sup>1</sup> The associates severally established individual credits there, which were interchangeable on the books of the Company in the adjustment of debts between themselves. The credits could indeed be made use of with outsiders if they were willing to accept payment in Fund Credit. All persons receiving payment in this way were termed "Acceptors of Credit." The transaction above described was in its general features similar to the method in which Bank Credits in the Bank of Amsterdam were made use of, where, for a time at least, transfers could only be made at the counter of the Bank. The rules of the Fund, however, contemplated the availability of Fund Credit elsewhere than at the office of the Fund, and provided for this through what were termed Pass-Bills and Change-Bills. The former were in substance checks and the latter operated somewhat as does the modern letter of credit. Each Change-Bill was a certificate that the owner had a certain credit in the Fund. The Fundor to whom the owner offered it in settlement of debts endorsed on it the amount required to be transferred to his credit for the adjustment of his debt, precisely as the Banker making an advance on a letter of credit endorses the amount advanced thereon. The details to be observed in making such endorsements were specifically set forth in the rules of the Fund. When, in the process of making a payment, the credit on the Change-Bill was used up, the acceptor of credit applying the unappropriated balance remaining thereon was to take it up and return it to the office of the Fund.

It will be seen from the above that the projector of the Fund

<sup>1</sup> A phrase frequently used by the pamphleteers of the day, Lumber being intended for Lombard, the name of a well-known street in London, and the whole expression meaning simply a pledge of merchandise. The "deposit in Land" was, of course, a mortgage.

had not conceived of a denominational paper currency as a substitute for coin. He was working only with Bank Credit.

We have no direct testimony as to the success or failure of the Fund, but we may infer that it was successful from the following facts. A short time before this, apparently in 1667 or 1668,<sup>1</sup> Woodbridge had appeared before the Council of the Colony and advocated his theory, but without securing any expression of approval. In the records of the Council during Dudley's administration,<sup>2</sup> under date of the twenty-seventh of September, 1686, it appears that the proposal of one Blackwell for erecting a Bank of Credit was received and read. If we may credit a document in the Archives, Blackwell's proposal had been before the Council in June of that year,<sup>3</sup> and had been referred to the Grand and Standing Committee, a body which had for its special function the consideration of the encouragement of Trade and Commerce. It was apparently the report made as a consequence of this reference which was before the Council on the twenty-seventh of September. In this report the Committee expressed their approval of the Scheme in direct and forcible language.<sup>4</sup> The report was accepted by the Council and the countenance of his Majesty's authority, respect, and assistance was pledged to the enterprise. Favored thus by the government, Captain John Blackwell, the projector, proceeded to organize his Bank,<sup>5</sup> which, like the Fund, was based upon the idea of granting credits upon Land Security. Unfortunately for our purposes the experiment did not proceed beyond this stage, and I dwell upon it thus long only because it is evident from the language used in contemporary documents that the projectors of the bank contemplated the emission of bills of Credit which should serve as a circulating medium, primarily be-

<sup>1</sup> Tracts relating to the Currency of the Massachusetts Bay, p. 4.

<sup>2</sup> 2 Proceedings of the Massachusetts Historical Society, xiii. 272.

<sup>3</sup> Substantially the same statement is made in the prospectus of the Bank, but the month is there given as July. (2 Proceedings of the Massachusetts Historical Society for December, 1903, xviii. 63-81.)

<sup>4</sup> Massachusetts Archives, cxxvi. 103.

<sup>5</sup> Our knowledge of Blackwell's Bank rests upon documents in the Archives, described in Currency and Banking in the Province of the Massachusetts Bay (ii. 75 *et seq.*), and upon a manuscript copy of a Prospectus of the Bank found in the Winthrop Papers, described in 2 Proceedings of the Massachusetts Historical Society for December, 1903, xviii. 63-81.

tween subscribers to the Articles of Agreement, ultimately with the public, the twenty shillings bill being the minimum to be issued. It would be interesting to examine the form of bill which was proposed to be emitted, but unfortunately neither the documents in the Archives nor the prospectus of the Bank gives the slightest hint of its contents. We may be sure that it was better adapted for circulation than the "change-bill" of the Fund, otherwise the projectors could hardly have expected it to circulate freely with the public.

The Fund was organized in 1681 and traces of credits taken out are to be found in the Registry of Deeds, in the records made during the summer of 1682.<sup>1</sup> Blackwell's Bank was organized in 1686 and preparations for work continued in 1687. In 1688 it was spoken of as a thing of the past. In 1690 came the first emission of Colony Bills, in which the phraseology was such that they were perfectly adapted for circulation as a medium of trade. Each bill was in form a due bill of the government, in which it was stated that it would be in value equal to money, and would be received at the Treasury in all payments. It was prescribed in the Act of Emission that the bills should be indented, and for many years the plates were so prepared that a stub was printed simultaneously with the bill, which, after the bills were separated from it, could be preserved, thus keeping on file a complete set of the indents.<sup>2</sup> The form then adopted practically served for use

<sup>1</sup> Suffolk Deeds, xii.

<sup>2</sup> The following is the language of the Act, taken from the Massachusetts Court Records, vi. 170, 171:

The forme of the Bill agreed upon  
No

20s



No

( )

20s

This Indented Bill of Twenty Shillings due from the Massachusetts Colony to the Possessor shall be in value equal to Money and shall be Accordingly Accepted by the Treasurer, and Receivers subordinate to him in all Publick Payments, and for any stock at any time in the Treasury

Boston in New England Decem<sup>r</sup> 10th 1690.

By Order of the General Court.

{ Locns }  
{ Sigilli }

} Committee



for all the subsequent emissions down to 1749. In one of the later emissions, it was specified that certain taxes were not to be paid in the bills of that emission. The indent was abandoned in 1737 in the bills of new tenor, and a value was then stated in silver or gold; the former being accomplished so far as the phraseology of the bill was concerned by dropping the word "Indented," and the latter by substituting the specie value for the word "Money." The skeleton of the form remained, however, the same.

In 1714 certain Boston Merchants, under the plea that there was "a sensible decay of Trade" "for want of a Medium of Exchange," proposed to establish a Land Bank upon the lines of the projected Bank of 1686. The Scheme met with violent opposition on the part of the government and was frustrated, but from the pamphlet entitled "A projection for erecting a Bank of Credit," which the projectors published, we can ascertain what they then conceived was a suitable form for a note or bill to circulate as money.<sup>1</sup> It was simply an obligation based upon the Articles of Agreement of the Society, compelling subscribers to receive the bill in lieu of money and the Company to receive it in the Bank.

In 1732 certain merchants in New London, Connecticut, secured a charter and organized a bank along the same lines as Blackwell's Bank and the Land Bank of 1714. Although this was not a Massachusetts venture, still the fact that their organization was based upon a Massachusetts prototype will bring their Company within the scope of our theme. They proposed to emit bills secured by mortgages of real estate or pledges of personal property, given to the Society which was called The New London Society United for Trade and Commerce. The form of bill which they adopted resembled the bills of public credit then in use, being practically a due bill to be accepted by the Treasurer of the So-

<sup>1</sup> The motto of the bill was to be *Crescit Eundo* and the form was as follows:

THIS INDENTED BILL OF CREDIT, *Obliges Us and every of Us, and all, and every of our Partners of the Bank of Credit of Boston in New-England, to accept the same in Lieu of Twenty Shillings, in all Payments according to our Articles of Agreement; and that it shall be so accepted by our Receiver or Treasurer, for the Redemption of any Pawn or Mortgage in the said Bank.*

Boston, November First, *One Thousand Seven Hundred and Fourteen.*

(Tracts Relating to the Currency of the Province of the Massachusetts Bay, p. 79.)

ciety and in all payments in said Society from time to time; that is to say, in all payments among members of the Society. It differed from the bills of public credit in describing the value of the bill as being "equal to silver at sixteen shillings per ounce, or to Bills of this or neighboring governments," instead of merely stating that it was "equal to money." It will be recognized that in the clause fixing the silver value of the note, the new tenor bill of 1737 was anticipated. This Society<sup>1</sup> met with an untimely fate, for as soon as the Governor of Connecticut heard that it had actually begun to circulate its notes he called an extra session of the Assembly, at which the Charter was abrogated and steps taken to compel the retirement of the notes.

In 1733 about one hundred Boston merchants formed a company and proceeded to emit what they termed "bills or notes of hand," which were intended for circulation in Massachusetts. Before describing these notes of hand, which are generally known as the "Merchants' Notes of 1733,"<sup>2</sup> it is desirable, perhaps essential, that a statement should be made showing why these Boston merchants intervened and added to the paper currency in circulation, which was already inflated to danger point.

For some time the Privy Council had exerted its utmost endeavor to secure a reduction of the annual emissions of currency in the several Colonies. At this time Belcher was at the head of affairs in Massachusetts and in New Hampshire. He was disposed to follow literally all the Royal Instructions and so far especially

<sup>1</sup> The career of this Company is described in Currency and Banking in the Province of the Massachusetts Bay, ii. 102 *et seq.*; and in the Publications of this Society, v. 96-111. The following is a copy of one of the notes given in the former work (ii. 106):

Three Shillings. This Indebted bill of *Three Shillings* Due to the possessor thereof from the NEW LONDON Society United for Trade and Commerce in *Connecticut* in *NEW-ENGLAND*, shall be in Value Equal to Silver at *Sixteen Shillings pr.* Ounce, or to Bills of Publick Credit of this or the Neighboring Governments, and shall be Accordingly accepted by the Treasurer of said Society, and in all Payments in said Society from time to time.

New-London, Aug. 1732.

*by Order of Said Society*

} Comt.

<sup>2</sup> The Merchants' Notes of 1733, in 2 Proceedings of the Massachusetts Historical Society for April, 1903, xvii. 184-208.

as those were concerned which compelled a reduction of the paper-currency in circulation, he was evidently in full sympathy with their import. It was known, therefore, that in these two Provinces there would be, unless the Instructions should be changed, a steady reduction of the bills of public credit for the next eight years, after which only a limited amount could be annually emitted.

Connecticut and Rhode Island were not administered by royally appointed governors, and Royal Instructions were not enforced there with the same strictness that they were in Massachusetts.

The process of curtailment of the circulating medium actually begun and the threat of future continuance produced dismay in the provinces where the Royal orders were being enforced, but in Rhode Island there was no such feeling. For some years this Colony had been in the habit of loaning large sums of currency to citizens at low rates of interest, thus deriving aid in support of the government from the emissions, while the borrowers were in turn able to secure a profit by loaning the bills at current interest in Massachusetts, where they found ready circulation. The impending reduction of the volume of currency in Massachusetts furnished opportunity for another of these "Banks," as these emissions made with intent to loan were termed. If the bills of this new emission could be disposed of in Boston, the merchants and traders there would be compelled to undergo the hardships involved in the contraction of their own bills of public credit, while the amount of currency actually in circulation would be maintained at its full height in bills which they believed were not of equal value with those of the Massachusetts emission. How could this be prevented?

The first and most natural suggestion was a boycott, in which, when it was proposed, the merchants found ready sympathy from the community. The second suggestion was to supply the void in the circulating medium caused by the retirement of the bills of public credit through the emission of notes of their own, and it is evident that they hoped by means of these notes to bring about a return to a specie basis. Each note<sup>1</sup> then put forth was signed by

<sup>1</sup> The form of the note which was ultimately emitted was as follows :

Half a Crown	No (	Half a Crown
2 = 6		2 = 6

We JOYNTLY AND Severally Promise to pay to Richard Clarke of Boston Merch: or Order, two Pennyweight, fifteen grains and One quarter, Troy weight, of

five merchants, the ten directors of the Company being divided into two groups for that purpose, thus giving to the possessor the joint and several promise of five respectable persons for the payment of a specific sum of silver or its equivalent in gold, at certain fixed future dates. The normal or par quotation for silver in terms of New England currency was frequently spoken of as seven shillings an ounce. It was based upon a sterling value of five shillings two pence per ounce which actually gives, on the basis of 133 for 100, a fraction less than six shillings eleven pence per ounce. The current rate at that time in currency was about nineteen shillings per ounce, and the valuations given in the notes emitted by the merchants were on that basis. Each note was made payable in three instalments, covering ten years; the first falling due December thirtieth, 1736, when three tenths would be paid; the second December thirtieth, 1739, when a second three tenths were payable; and the balance December thirtieth, 1743. Moreover, it was specifically provided in the bills that upon the payment of the instalments in 1736 and 1739, the notes should be renewed. If we consider that the total emission was £110,000 in denominational values adapted for circulation we can imagine the task set for these gentlemen in 1736 and 1739, when they should pay these instalments, take up the notes, and supply the possessors with new notes for the unredeemed fraction. It is not probable, however, that they ever experienced any serious trouble in this direction as the price of silver rose rapidly shortly after the emission, and the notes having a promise of redemption at a fixed value disappeared from the market and were hoarded.

The suggestion that these notes were emitted in the hope that they might contribute in leading up to a resumption of specie pay-

Coin'd Silver, Sterling Alloy, or the Value in Coin'd Standard Gold, viz: three tenths parts thereof by Decem<sup>r</sup> 30<sup>th</sup> 1736, three tenths more by Decem<sup>r</sup> 30<sup>th</sup> 1739, and the other four tenths, by Decem<sup>r</sup> 30<sup>th</sup> 1743; and 'on each of the two first payments to renew our Bills accordingly; for Value Received. Boston New England, Nov<sup>r</sup> 30<sup>th</sup> 1733.

Half a Crown

2 = 6

Seal

[A hand holding a pair of scales on an escutcheon having the motto *Justitiae ergo* at the top]

Half a Crown

2 = 6

[Signed]

H. HALL  
EDW BROMFIELD JUN.  
EDWD HUTCHINSON  
JAMES BOWDOIN  
WM FOYE.

(See facsimile of half-crown note, Plate 13, facing p. 192, Currency and Banking in the Province of the Massachusetts Bay, ii.)

ments is based upon two things, first, the features of the notes themselves, and, second, the similarity of these features to some of the efforts in this direction which were put forth for many years about this time by the hard money men.

If we examine the note we shall find that the projectors did not attempt to force their currency at a rate above that at which the bills of public credit were circulating. They accepted the current rate of silver and they evidently conceived that the addition of their emission to the bills in circulation would not disturb that rate. In this they were mistaken. The merchants' notes, when combined with the Rhode Island notes, which after a short time freely circulated in spite of the boycott, so greatly increased the volume of currency as to send silver up to twenty-seven shillings. Thus the disasters impending from the Rhode Island notes were not only realized, but the merchants' notes were, to a certain extent, contributory. Nevertheless, it is possible to conjecture the expectations of the merchants. If their notes had quietly floated on the market at the current rate of silver, and the redemptions had taken place at the end of three, six, and ten years, £110,000 in coin would have been put in the hands of the public, and it would have been an easy matter to have secured enough more to have resumed specie payments. This proposition involved the belief that the silver put out in the partial redemptions would have staid in circulation. The scheme would probably have been wrecked upon that reef if disaster had not previously occurred.

That it was then believed that resumption could be approached by successive steps in the manner proposed by the Boston merchants is shown by a Scheme proposed in 1734 for emitting bills of public credit which were to be loaned for ten years to borrowers who were to repay their loans in annual payments in silver. The bills to be emitted were declared to be in value equal to silver coin and were to be redeemable, one half of the face of the bill in five years in silver, and the other half at the end of ten years in silver. When the first instalment should be paid the bill was to be surrendered and a new bill for the balance was to be issued.<sup>1</sup>

<sup>1</sup> The form of the proposed bill was as follows :

This Indented Bill of \_\_\_\_\_ due from the Province of Massachusetts Bay in New England to the Possessor thereof shall be in value equal to silver coin after the rate of six shillings and eight pence the Ounce, or gold coin after the rate of four pounds

This was merely a piece of abortive legislation, and at best it was but a proposition which could never have been realized, but it shows a tendency of thought.

The action of the merchants of New London and Boston stimulated the business men in Portsmouth, New Hampshire, in 1734 to organize a Company for the purpose of supplying the local community with a circulating medium composed of the notes or obligations of the subscribers to the Articles of the Company. These notes were dated December twenty-fifth, 1734; were signed by three Portsmouth merchants and contained their joint and several promise to pay the face value of the notes in twelve years, in silver or gold at whatever rate they might then be quoted, or in passable bills of credit of the New England governments, with interest at the rate of one per cent per annum.<sup>1</sup>

A statute was passed April eighteenth, 1735, in Massachusetts prohibiting the passage of these bills in that Province.<sup>2</sup> In the

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sixteen shillings the ounce and shall be accordingly accepted in all payments: And the Trustees shall be obliged at any time after the                      day of                      to deliver to the possessor hereof one-half of the sum herein expressed in silver or gold coin at the rates before mentioned and the other half in new bills of the same form and tenor with this bill and in like manner to be exchange'd at the end of five years more.

By order of the Great and General Court or Assembly  
Boston, the                      day of

A }  
B } Committee  
C }

(Massachusetts Archives, ci. 522.)

<sup>1</sup> The following is a copy of one of the notes:

PROVINCE  
N. HAMPSHIRE

7s

No. O

7s

We Promise jointly and severally to Pay to Hunking Wentworth Mercht of Portsm<sup>e</sup> or Order the Sum of Seven Shillings on the 25th day Dec<sup>r</sup> w<sup>ch</sup> will be in the year of our Lord one thousand Seven hund<sup>d</sup> and forty Six in Silver or Gold at y<sup>e</sup> then Curr<sup>t</sup> price or in Passable Bills of Cred<sup>t</sup> on y<sup>e</sup> Prov<sup>s</sup> of N. Hamp<sup>r</sup> Massach<sup>u</sup> Rhode Island or Connect. Col<sup>s</sup>. with Interest of one P Cent P Ann from the date hereof being for value Rec<sup>d</sup> as Witness our hands 25th of Dec<sup>r</sup>

A. D. 1734

7s

Seal

[A Pine tree on an escutcheon  
with the motto *Beneficio Commecii*]

7s

[Signed] GEO. JAFFREY  
HEN SHERBURN  
JOSH. PEIRCE

(See Plate 14, facing p. 208, Currency and Banking in the Province of the Massachusetts Bay, ii.)

<sup>2</sup> Massachusetts Province Laws, ii. 743.

preamble to this Act the notes are described as "payable in New Hampshire, Massachusetts, Connecticut and Rhode Island bills, or in silver, gold or hemp at the unknown price they may be, at Portsmouth, in New Hampshire, anno 1747." Belcher, then Governor of Massachusetts and New Hampshire, called the scheme the "hemp bank" and said it would be but a "bank of wind." From this it is plain that the merchants must originally have contemplated the payment of their bills in hemp as well as coin and currency. The notes met with but a feeble support from the community and only an occasional specimen has survived, but we do not find that any of them are payable in hemp.<sup>1</sup>

In 1787 there was a new form adopted for the bill of public credit, the most important feature of which, viz. the change of the phrase "shall be in value equal to money" to "shall be in value equal to so much silver or so much gold," has been already referred to.<sup>2</sup>

These new tenor bills were made by law receivable at the Treasury at first on the basis of one for three of the old tenor bills and in later emissions on the basis of one for four. Inasmuch as all the bills were subject to retirement through taxation, the ultimate destination of the bills was the Treasury, hence, by means of the legislation establishing this discrimination against the bills

<sup>1</sup> This experiment is described in *Currency and Banking in the Province of the Massachusetts Bay*, ii. 125 *et seq.*

<sup>2</sup> The following is a copy of the bill, which was known as the new tenor bill:

No (    )	Eighty Pence [on an escutcheon]	Seal of the Province
-----------	------------------------------------	-------------------------

*This Bill of Six Shillings and Eight Pence Due from the Province of the Massachusetts Bay in New England to the Possessor thereof shall be in Value equal to One Ounce of Coin'd Silver, Troy weight of Sterling Alloy, or Gold Coin at the Rate of Four Pounds eighteen Shillings pr Ounce, and shall be accordingly accepted by the Treasurer or Receivers subordinate to him in all Payments (y<sup>e</sup> Duties of Impost and Tunnage of Shipping and Incomes of the Light House only excepted) and for any Stock at any Time in the Treasury BOSTON*

Febr 4<sup>th</sup> <sup>1736</sup>  
<sup>1737</sup> By Order of the Great and General Court or Assembly

JOHN JEFFRIES

J. WAINWRIGHT  
Committee

WM DUDLEY

(See Plate 8, facing p. 112, *Currency and Banking in the Province of the Massachusetts Bay*, ii.)

of the old tenor at the Treasury, the circulation of the new bills was maintained substantially according to the terms of the Acts. The ounce of silver at the rate of six shillings eight pence was the unit on which, in fractions or multiples, the denominational values of the first new tenor bills were determined, the rate per ounce adopted being as a matter of fact one that had not prevailed in the Colony for many years. "It is one of the enigmas of the history," says Professor Sumner, speaking of the simultaneous recognition of the Spanish dollar at six shillings and of this silver valuation, "that the Colonists treated this rate and 6s 8d per ounce" as equivalent.<sup>1</sup>

Allusion has already been made to the curtailment of the currency, or rather to the reduction of the amount annually emitted by Massachusetts and New Hampshire, which resulted from Belcher's enforcement of the Royal Instructions. As the time limit set for the withdrawal of the bills in circulation approached, and as the period came close at hand when the Province would have to be content with an annual emission of currency which, even at par, would have been inadequate for the needs of the government, there was much restlessness and uneasiness throughout the Province. Men of speculative temperament began to ask why they should not form a Company on the lines of some of the former projections and emit bills. As a result of this discussion a Company was formed — afterward known as the Land Bank and Manufactory Company, which promulgated a scheme, secured many subscribers to it, and in the summer of 1740 petitioned the Assembly for a charter. It is not my intention to repeat at this time the story of the Land Bank of 1740. I have already narrated it to this Society,<sup>2</sup> but in the prosecution of the topic of this paper, I must now deal with the peculiar features of the note which they proposed to, as well as of those which they actually did, emit. In March, 1740, the projectors published a broadside in which they incorporated the form of the intended note or bill of credit. It was a promise of the signers for themselves and their partners, to receive the bill of credit of the Company as so much lawful money. The bill was to

<sup>1</sup> The Coin Shilling of Massachusetts Bay, in *Yale Review* for November, 1898, p. 262.

<sup>2</sup> *Publications*, iii 2-40.



run for twenty years and was then payable in manufactures of the Province.<sup>1</sup>

It has been seen that in the case of the New Hampshire merchants' notes there was an undoubted difference between the note suggested in the Scheme and the note actually emitted. So also in regard to the Land Bank of 1740, the notes of that Company which have come down to us, while they retain the more important of the peculiarities of the note proposed in the original Scheme, were altered in one respect and that, perhaps, an important one. They were still the promise of the signers for themselves and their partners to accept the notes in all payments; they were still to run for twenty years and they were to be paid then in produce or manufactures, but instead of the bill actually emitted containing the promise that it should be received by the subscribers as so much "lawful money," it was to be received as "lawful Money at Six Shillings & Eight Pence  $\text{v}$  Ounce."<sup>2</sup> If by lawful money the pro-

<sup>1</sup> The following is a copy of the bill as originally printed in the broadside :

TWENTY SHILLINGS.

*WE Promise for Our Selves and Partners to receive this Twenty Shilling Bill of Credit, as so much Lawful Money, in all Payments, Trade and Business and after ye Expiration of Twenty Years to pay ye Possessor ye Value thereof in Manufactures of this Province Boston &c*

<sup>2</sup> The following is a copy of one of the bills :

6d

THE

6d

MANUFACTORY BILL

*WE, Joyntly & Severally, Promise (for ourselves & Partners) to take this Bill, as Sixpence lawfull Money, at Six Shillings & Eight Pence  $\text{p}^r$  Ounce in all Payments Trade & Business, & for Stock in our Treasury at any time, & after Twenty Years, to pay  $\text{y}^r$  same (at that estimate) on Demand to Mr Joseph Marion or order in the Produce or Manufactures enumerated in our Scheme for Value Received*

BOSTON Sept<sup>r</sup> 9<sup>th</sup>

No

1740

585

6d

6d

NEC PLURIBUS IMPAR [On a ribbon stretched across]

[Signed]

W<sup>m</sup> STODDARD

SAM<sup>l</sup> WATTS

SAM<sup>l</sup> TRUSTY

(See Plate 10, facing p. 144, Currency and Banking in the Province of the Massachusetts Bay, ii.)

jectors meant in the broadside to put their notes on a par with Spanish coined silver which was practically the meaning of the phrase "lawful money" prior to the emission of the new tenor notes, then the change was not of much importance. It is true that the definition of lawful money to be evolved from the earlier provincial legislation, viz. "silver on the basis of six shillings for the Spanish dollar of seventeen pennyweights," was then considered to be equivalent to silver at six shillings eight pence per ounce, but, to quote Professor Sumner again, it is one of the enigmas of the times that the writers and legislators of the time evidently so regarded it. Whatever may have been the intention of those who drafted the original form of the note, it is evident that the amended form was intended to remove all doubts as to the meaning of "lawful money," which was accomplished by stating a specific silver value. The notes were put forth at a rate evidently intended for par in silver at a time when the quotation was twenty-eight shillings to twenty-nine shillings an ounce, or, as we should say, specie was worth about 400. For their security there were mortgages of lands and pledges of goods running in favor of the Company and not specifically protecting any particular notes. Granting that the silver value should prove acceptable to the community, the notes still had to fight their way into circulation burdened with a redemption clause distant twenty years and the holder had facing him when he should demand payment the possibility of receiving cast iron, bayberry wax, tanned leather, cord wood, oil or a variety of other articles equally unsuitable for daily use in the way of a medium of trade. Nevertheless the notes found circulation, the Scheme was popular and the capitalists of Boston were put to it to devise some method of opposing it.

One of the means adopted was the boycott; and in this case it was much more effective than it had proved with the Rhode Island bills in 1733. The inherent weakness of the Land Bank would in any event have made prudent capitalists cautious how they received the bills even without any agreement to reject them. Their natural avenue of circulation was in the small towns and among the poorer classes.

But, while the capitalists of Boston condemned the bills of the Land Bank, they did not abstractly condemn all attempts to relieve by means of a paper currency the impending need for a circulating

medium caused by the proposed withdrawal of the Province bills. On the contrary, they organized a company of their own for this purpose. Regarding it as absolutely "impracticable so suddenly to procure Silver and Gold sufficient for the management of our Trade and Commerce," as they stated in their Scheme, they proposed to emit their own notes to be redeemed in coined silver of sterling alloy at twenty shillings per ounce by the last of December, 1755.<sup>1</sup>

The organization which these gentlemen established was known as the Silver Scheme or Silver Bank. There were ten directors and these directors were authorized to sign the bills. The bill which was emitted was very simple in form and consisted solely in the joint and several promise of the signers to pay to the order of Isaac Winslow, merchant, so much silver sterling alloy, or the same value in gold by December thirty-first, 1755, the equivalent denominational value expressed upon the bill being based upon silver at twenty shillings. The current rate of silver in the fall of 1740, when the bills were emitted, was between twenty-eight and twenty-nine shillings. It was agreed that for the first year possessors could redeem the bills at the rate of twenty-eight shillings four pence per ounce; the second year at the rate of twenty-seven shillings nine pence per ounce, and so on at a reduction of seven pence per ounce each year, which would bring the rate of the fifteenth year, when the bills were to be redeemed in silver, to twenty shillings, the same as that in which the denominational values were expressed in the bill.

<sup>1</sup> The following is a copy of one of the bills:

(NO)	O
A Crown	A Crown
We jointly and Severally promise to pay	
Isaac Winslow Merch <sup>t</sup> . or Order in Boston	
Five penny Wgt of Coind Silver Sterling Alloy	
Troy wt by the 31 December 1755 value rec <sup>d</sup>	
5 Boston N. E.	Aug <sup>t</sup> 1 <sup>t</sup> 5
1740	
Seal	[Signed]
[A sloop under sail on	JAMES BOWDOIN
an escutcheon, the motto	AND. OLIVER
<i>Fiat Justitia</i> below]	JAS. BOUTINEAU

(See Plate 16, facing p. 240, Currency and Banking in the Province of the Massachusetts Bay, ii.)

It will be seen that, if the value of silver had remained the same during these fifteen years, the possessor of one of these bills would have reaped a benefit through the annual appreciation of the silver rate nearly the equivalent of an annual three per cent interest rate.

The Silver Bank and the Land Bank both sought incorporation and, failing that, both proceeded to emit bills. Both were closed through Parliamentary action in 1741.

Their example and particularly the example of the Land Bank, led to attempts to organize companies of this sort outside Boston. One of the Land Banks thus organized actually emitted bills for circulation. The company in question was founded in Ipswich in 1741. Its career was brief and inconspicuous. The bill emitted by the Company was the joint and several promise of those who signed it, for themselves and for their partners, to take the bill at its denominational value, as so much lawful silver money, at six shillings and eight pence per ounce, in their own trade and for stock in the Company's hands. It was payable on demand in the produce or manufactures enumerated in their scheme, which was said to be on file in the Records of Essex County. Diligent search has failed to reveal this Scheme, but the resemblance of the bill to that of the Land Bank of 1740, would indicate that the list resembled that enumerated in the Manufactory Scheme. The most important difference between the two bills was that the Ipswich bill was payable on demand.<sup>1</sup> The Company, however, did not get started until the enforcement of the Parliamentary Act directed against such banks had been set in motion.

<sup>1</sup> The following is a copy of one of the bills:

#### THE BANK BILL

No.	Two Shillings	(520)
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WE JOINTLY and SEVERALLY for our SELVES and PARTNERS Promise to take this Bill as *Two Shillings*, lawful money at Six Shillings and Eight Pence pr ounce, in all Payments, Trade and Business, and for Stock in our Treasury at any Time and to pay the same at that estimate on Demand to MR. JAMES EVELETH, or order, in the Produce or Manufactures enumerated in our *Scheme*; as recorded in the County of *Essex's* Records, for Value rec<sup>d</sup>. Dated at Ipswich, the First day of May, 1741.

2s

2s

Seal  
[A wharf with a vessel and a row boat,  
the motto *Justitia* above  
*Rediviva* below, inverted]

[Signed]

JONATHAN HALE  
ROBERT CHOATE  
JOHN BROWN  
EBEN STEVENS

(See Plate 17, facing p. 256, Currency and Banking in the Province of the Massachusetts Bay, ii.)

1107 B

In January, 1742, an entirely new set of plates was prepared for the bills of public credit, the engraving of which was of the highest order of skill and the form made use of was also new. The system prevailing in the last previous set of basing the denominational values upon the ounce of silver at six shillings eight pence was abandoned, although each bill was declared to be equal to a specified weight of coined silver which was based upon that rate. The bill was in the old form of a due bill and was to be "accepted in all payments and at the Treasury."<sup>1</sup> In other words, the legal tender function was given it and there was no discrimination against it in any of the taxes at the Treasury, as was the case with the first new tenor bills. In the Act authorizing this emission<sup>2</sup> it was ordered that in settling sterling grants to be paid out of the supply made by the Act, five shillings and two pence sterling should be paid with six shillings and eight pence of the bills then issued, a conversion which was, as has already been pointed out, absolutely irreconcilable with the theories of the two currencies.

In June, 1744, a new form of bill, the last made use of by the Provincial Assembly, was adopted. It was still a due bill and the value was still given in a specified weight of silver, but the rate of six shillings and eight pence per ounce was abandoned and seven shillings and six pence per ounce substituted. The bills were no longer required to be "accepted in all payments" but were simply to be "accepted in all payments in the Treasury."<sup>3</sup>

<sup>1</sup> The engraved bills of this emission were very elaborate. The form given below is copied from the Act of Emission :

No ( )

TWENTY SHILLINGS.

THIS bill of twenty shillings, due to the possessor thereof, from the province of Massachusetts Bay, shall be equal to three ounces of coined silver, Troy Weight, of sterling alloy, or gold coin at the rate of four pounds, eighteen shillings per ounce ; and shall be so accepted in all payments and in the Treasury.

Boston  
general Court or assembly.

1741 By order of the

} Committee

(Massachusetts Province Laws, ii. 1077.)

<sup>2</sup> Massachusetts Province Laws, ii. 1081.

<sup>3</sup> The form of the bill given in the Act was as follows :

No ( )

Twenty Shillings.

This bill of Twenty Shillings, due to the possessor thereof from the province of the Massachusetts Bay, shall be equal to two ounces thirteen pennyweight and eight grains of coin'd silver, troy weight, of sterling alloy, or gold coin at the rate of five pounds ten

With this third form of the new tenor bill our subject concludes. As we run through the various forms of bills of public credit, emitted or proposed to be emitted, we note that all of them are modelled after the Colony bill, while among the bills emitted by private companies there are several which are promises to pay. As a matter of fact, there was but one instance in which it was proposed to the government that the form should be changed from the due bill to the promise to pay and in that particular case but scant consideration was given to the proposition which was submitted.<sup>1</sup>

The development of the topic under consideration has not involved new investigation or original research, but the collation of these notes will facilitate the study of their peculiarities. In order to present, side by side, the forms of the several notes, it has been necessary to omit comment upon the career of the several companies, except such as was essential for an understanding of the notes themselves. Perhaps it would have been better if even this had been omitted.

Mr. LINDSAY SWIFT read a paper on the truth in history, speaking in substance as follows :

Last December I offered a short paper<sup>1</sup> on John Davenport's Election Sermon of 1669, and I then supposed that I had properly covered the main facts of his career so far as it was related to this sermon;<sup>2</sup> but when I came to prepare the paper for the press, I was mortified to find that I had narrowly escaped missing the

shillings and three pence per ounce, and shall be so accepted in all payments in the treasury, agreeable to act of Assembly 1744

By order of the General Court or Assembly

} Committee

(Massachusetts Province Laws, iii. 148.)

<sup>1</sup> This was in 1744. The form submitted was as follows :

The province of the Massachusetts Bay Promise to pay the possessor hereof being an inhabitant of this province ——— lawful money by the ——— day of ——— Anno Domini 17—

Dated ——— 17—

Witness A. B. C. D. E. F. Committee for signing the bills.

(Massachusetts Archives, cii. 280, 281.)

<sup>2</sup> See pp. 1-6, above.

whole point. The late Hamilton A. Hill's History of the Old South Church told me certain most relevant facts which had been, shall I say deliberately, ignored by previous writers who had touched on Davenport's career. I do not intend to reopen the subject now, but it has furnished me with a small text on a large matter, — and since, at Mr. Edes's amiable solicitations, I have agreed to say something at this meeting, I shall venture a few observations which from my own point of view have a practical bearing for us as students of history, and which are the results of experience, partly as an officer in the Boston Public Library, and partly as a reader of books. It will not be strange if these observations appear to be scattered and inconclusive; for I do not see how in so brief a consideration they can very well be otherwise.

It would be fair to divide roughly the various suppressions of historical truth into two classes: one is deliberate and conscious, — the result of natural caution or timorousness; the other is unconscious and temperamental, and displays itself through the writer's method of treating his subject. This is the more deep seated and delusive of the two.

The deliberate *suppressio veri* (such as I have instanced in the case of John Davenport and his curious manœuvrings on his leaving the church at New Haven and accepting the pastorate of the First Church in Boston) expresses itself in many ways, but caution, due to social and personal reasons, is at the bottom of most of it. We, of New England, have at times been accused of treading with considerable care over some uncomfortable places in our historical past, and it is very natural that this should be so, for the bright and sombre parts of our story are closely related and interwoven, and much sensitiveness prevails. It is really difficult to stop at the right moment in telling some truths.

A few months ago an acquaintance, known to me through my position in the Public Library, told me that he, with another person, was writing a novel of our Revolutionary times, and wanted a "suggestion." I told this seeker after "materials to serve," that the character of John Hancock seemed to me an inviting one from the novelist's point of view, and referred him to the recently-printed letters of William Bant,<sup>1</sup> who was a sort of factor or henchman to

<sup>1</sup> See Monthly Bulletin of the Boston Public Library for October, 1902.

Hancock. The book was published a short time ago, and over its trivial pages has raged quite a little journalistic battle in the Saturday issues of the New York Times, begun by a Boston contributor who felt deeply aggrieved at any aspersions on our patriotic Governor. I was urged to take part in this fray, but decided that my disclosure of the Bant letters was a sufficiently generous contribution. The matter is relatively unimportant, but the controversy does suggest a question which each of us has doubtless asked himself, as to how far we may properly go in historical narration, especially as regards the use of gossip, scandal, and trivial and unrelated anecdote. I think a fairly safe working rule will be followed, if we introduce unpleasant and even unsavory facts only when they are contributory to the general framework of biography and history, but not when mere scandal-mongering serves to hide the greater truth. I think, for instance, that we may arrive at a better understanding of the comprehensive genius of Franklin,—a genius not easy to interpret, in spite of its apparent simplicity and unpretentiousness,—if we know that a son and grandson were born out of wedlock, and that the latter, a rather formal and priggish character, also left spurious progeny. It helps to discover some curious notes in the Franklin character, and serves to explain in a measure why with some conservative Philadelphians the memory of Benjamin Franklin is still that of a discredited adventurer. I do not, however, see that it is in the least necessary to dwell upon a similar misadventure of Benedict Arnold, because his treason overshadowed all minor misconduct, however evil that may have been.

In a recent life of Abraham Lincoln, it was disconcerting to find how much space was given to his humble origin and the ungainliness of his person, and how much emphasis was laid upon them. A true artist, even in literature, will do more with a few lines rightly drawn than will another who fills a sketch-book. There is much profitable instruction in that definition for making a statue given by a sculptor to an inquisitive tyro: "All you have to do is to chip off the marble that you don't need." It is just possible that enough has been said of the limitations of Abraham Lincoln, and that there may be a sort of national snobbishness in dwelling overmuch on defects for which he was not responsible. It is equivalent to saying: "See what an American can do, even when he has the



heaviest sort of handicap." Besides, we must not forget that Lincoln was a good name long before he bore it, that his stock came from Massachusetts, and that strong blood is very persistent. Truth-telling must not be confounded with an undue insistence upon relatively unimportant facts; the latter naturally slips into sentimentality.

A rather sleek person once called to see me at the Library, and informed me that he had been detailed by a committee of some sort to look up the character of George Washington—that many persons were disturbed at rumors floating about in regard to Washington's private life, and that he had taken upon himself the task of investigating the matter. I think that he was sincere, and that he hoped to be able to make out a good bill of health for the Father of his Country; but the nature of the quest did not please me, and I was brief with him. Like the man in the Bible, he went away exceeding sorrowful. I found, at that time, one answer to the question which I have now raised, from something which the late Paul Leicester Ford told me on the publication of his True George Washington. He said that Washington's reputation had suffered from the weight of its own grandeur; that people, in short, were getting tired of his virtues and excellencies through overpraise. Mr. Ford accordingly set about an estimate of him as a human, not superhuman, being. Or better, perhaps, he left the original grandeur of the statue, and set Washington on a new pedestal. That, I think, was a wiser way. He told the truth by revealing the limitations only as they contributed to the entire character.

Leaving this phase of the question, which is concerned only with what we shall deliberately accept or reject on grounds of prudence or good taste, we come to consider the more difficult phase of historical interpretation,—the unconscious effect of temperament or of preconceived theories and methods. Telling the truth as we *think* we see it may easily start us down a road more delusive than that travelled by the more timorous and the less veracious. Without attempting to solve the meaning of the word "history"—and it is difficult of precise definition—we may safely accept Michelet's commonplace that "annals are not history;" but at the moment of acceptance, certain other elements are at once introduced into the general scheme of historical treatment, and among them is the tendency to treat the sequence of events as

constituting a logical, consistent whole. This still further leads to the romantic, sentimental, and patriotic considerations which in some form or other do enter into the construction of historical work. Notwithstanding the endeavor to write history on the scientific or empirical basis, there is an insensible passing from the inductive to the deductive. Now I am not for a moment going to discuss the comparative merits of these two contradictory methods, or attempt to say how far they intermingle in most historical writing. The only point of value to me just now is to decide for myself whether the first of these methods, — the scientific or inductive way, — is not about as treacherous as the other, which is confessedly dangerous. I take it for granted that any historian worthy of the name, of either school, is by nature and training a discriminating, fair-minded, and conscientious man. One may be a partizan and still deserving of a high place, but a spirit of propagandism rules out any book. I saw a striking instance of this spirit lately in a book written for the edification rather than the instruction of a certain portion of our American youth. In speaking of the Waldenses, after devoting considerable space to a deliberate vilipending of them, the author closed his case by saying that at last it became "necessary to repress these sectaries!" That was the case of the Waldenses as presented to some American school children. It were safer to trust John Milton on this subject.

I have in mind such a work as Hildreth's History of the United States, admittedly written by a partizan but singularly free, being what it is, from undue bias. A certain faith in his hypothesis may here have strengthened the historian's hand and sweetened his historical disposition. An extreme opposite of this would be some of the writings of Mr. Charles Francis Adams and his brother, Mr. Brooks Adams — both men of extraordinary ability and information, traditional and acquired, and both possessed of a consuming desire to tell the truth. Discarding instantly all conventional interpretations of our remoter past, and feeling no need to follow that current of imaginative enthusiasm which guides most of us more than we are probably aware, these scholars, intensely modern and almost iconoclastic, bring to their aid many powerful facts tending to destroy our prepossession in favor of our earliest history. I certainly do not dispute these facts, and I cannot pretend to have the learning or authority to discredit such writers, yet I am not

convinced that they have invalidated our concepts of the past, legendary as they may possibly be. Historical conceptions are not wholly due to an accurate assemblage of a portion — even a large portion — of the facts. The past as we at this moment conceive it is a sort of slowly formed growth, the purpose of which may be disfigured by many absurd accretions and deformities, yet the main body of which remains sound. It may be a fair question to ask whether, eliminating from our treatment the sympathetic chord which binds us to what has gone before, we can safely trust ourselves, in a detached, modern way, to deal with bygone facts as we should have to deal with them if they had happened only yesterday.

If literature is really a high expression of the truth of life itself, I am fairly prepared to believe that history, written with a just use of the dramatic element seemingly inherent therein, may, on the whole, be safer to trust than the bare presentation of carefully attested facts logically and unimaginatively presented. If we put faith in the great interpreters in other fields of thought, why may we not also trust the historian who has dramatic unity? The generality of mankind certainly has not the wit to decide on the merit of the evidence as offered by the annalistic writers.

The truth is one thing, and he who tells it is another. When I was a small boy I had the doubtful privilege of riding on a rail for a few moments, because my father felt that the policy of Andrew Johnson might be worthy of thoughtful consideration. As I recall this episode in my early life, I also recall that most of the young patriots who raised me, blameless as an Ethiopian, to this bad eminence, have lived to accept office under an administration of quite a different political stripe from that which they then so devotedly followed. Now I have often wondered in just what way they would choose to treat this early escapade on strictly historical lines. They would be obliged, I am sure, to generalize a little.

How far prudential reasons ought to enter into the acceptance or rejection of facts is a most difficult problem. Cost what it may, we certainly ought to lean heavily in favor of telling the truth, however relentless it may prove to be. It would be interesting to know how far the ancient historians were inspired with a desire to be inclusive as well as exact. Their chronicles have the appearance of being simple and direct, yet we must look with

suspicion on the speeches, so wonderfully remembered, made by victorious generals and incorporated in the texts. If there were historiographers in those days, to them probably came the rewards of patronage. Better the days of hard favored critics than those of Mæcenæas.

We are now reasonably free from ecclesiastical and even political prejudice in our historical estimates, but it may still be true that we are somewhat fettered by a desire to protect the integrity of our social traditions. In gathering materials for writing a study of William Lloyd Garrison from the standpoint of our national life in its formative period, I am impressed with the complete social cleavages of those days. Prejudices strong then are strong to-day. The situation in one sense remains much as it was. To tell the truth, as it appeared to the various contestants, is but to revive the old animosities; but just as grass grows as graciously on battlefields as elsewhere, so does the softening lapse of time enable us to temper the harsh and unpalatable truth with generous interpretations. Garrison now appears, clad in the habit of a Hebrew prophet, no longer the strident and unappeasable foe of those of more moderate opinions. If he looms large, so too does Calhoun, who saw, what Garrison did not see, the irreconcilability of totally opposite conditions of race.

The truths which we can afford to omit without becoming untruthful, are those which only irritate and antagonize, and which contribute to no useful end. The truths which we cannot afford to ignore are those which, after every reasonable elimination of irritating factors has been made, remain essential to the historical structure.

The more compact and highly developed the life of a community, the more difficult, I suppose, the complete unfolding of historical truth will become. Possibly we of this city are in some danger of overmuch caution. Treading on the toes of a man's ancestors will easily make him wince; but we should not, if we are courageous, let this discourage us. It is possible to offend very gracefully; and it is also a comfort to have ancestors whose bones are of enough importance to be disturbed even by hostile hands.

The reading of this paper was followed by a long discussion in which President KITTREDGE, the Rev. Dr. EDWARD

H. HALL, and Messrs. ANDREW MCFARLAND DAVIS, ADAMS S. HILL, FRANCIS H. LINCOLN, and WILLIAM WATSON participated.

Mr. HENRY H. EDES exhibited a photographic copy of a unique Thanksgiving Proclamation issued by Thomas Danforth, as President of the Province of Maine, in October, 1682, and spoke as follows:

At the Society's meeting in January, 1898,<sup>1</sup> I communicated an original manuscript Thanksgiving Proclamation issued in December, 1681, by John Davis of York, then Deputy-President of the Province of Maine. That state paper proved to be entirely unknown to the historical scholars in Maine, and no mention or record of it, or any reference, direct or incidental, to it, could be found in the York Court Records where it would naturally find a place.

Within a few weeks our associate, Mr. Charles K. Bolton, called my attention to an imperfect printed copy of another Maine Thanksgiving Proclamation which, upon investigation, also appears to be unique. No mention of this Proclamation or this event appears in the York Court Records,<sup>2</sup> nor is either known to historical scholars. Through the courtesy of its owner, Mr. Charles Butler Brooks of Boston, I was permitted to take a photographic copy, and I have brought with me this afternoon a print made from this negative.

The text of this paper follows.

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<sup>1</sup> Publications, v. 167-186.

<sup>2</sup> I am indebted to our associate the Hon. James Phinney Baxter for kindly examining his own manuscript copy of the York Court Records in the vain endeavor to get trace of this Proclamation.

By *THOMAS DANFORTH* Esq,

President of the Province of *Mayne*,  
with the Consent of the Council Assem-  
bled in *York*; *Octob.* 1682.

**W**EE having taken into our serious Consideration  
the great Favour of God, manifested towards  
his People in this Province; In special, in  
that He hath been graciously pleased to crown  
this Year with his Goodness, blessing us with a  
more plentiful Harvest, than of late Years we have had experience of;  
Continuing to us Days of Peace, & lengthening out our Tranquillity  
in respect of those Liberties, both Civil & Sacred, which ( by His  
Goodness ) we still enjoy; Preserving us from those Contagious and  
Epidemical Diseases which our Sins have deserved, and which we  
our selves have sometimes been sorrowful under; And also in the  
gracious Preservation of the honoured Messengers, sent by the  
Massachusetts Colony to wait upon His Majesty, from the Danger  
Seas, and for their safe Arrival in England:

Upon these and the like Considerations  
Appoint the three and twentieth day of  
Observed as a Day of Publick &c  
throughout this Colony.  
of this Province.  
found among  
Exhortation  
Lord f:

*Engraved for The Colonial Society of Massachusetts  
from the original in the possession of  
Charles Butler Brooks Esquire*



By *THOMAS DANFORTH* Esq;

President of the Province of *Mayne*,  
with the Consent of the Council Assem-  
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Exhortin  
Lord f



The Massachusetts Colony Records, under date of the fifteenth of February, 1681-82, state that —

At the opening of this Court, his majesties letter to the Goſino<sup>r</sup> & Company, brought by M<sup>r</sup> Edward Randolph, bearing date 21<sup>th</sup> of October, 1681, was read in open Court, the whole Court mett together.<sup>1</sup>

Then follows a “most humble address” to the King in which it is stated that the Governor and Company have —

dispatched our worthy ffreinds Joseph Dudley & John Richards, our messengers, humbly to give your maj<sup>tie</sup> account of what wee haue donne for the regulation of our lawes, *etc.*<sup>2</sup>

On the twentieth of March —

The whole Court mett & voted together, by papers, for agents to goe & wayte on his maj<sup>ty</sup>, &c, & on the scrutiny, W<sup>m</sup> Stoughton, Esq., was chosen for one w<sup>th</sup> 21 voates, & Joseph Dudley, Esq, was chosen for the other by 18.<sup>3</sup>

On the twenty-third of March —

Mr. Stoughton hauing manifested his greate dissatisfaction from accepting and vndertaking the employment & suruice he hath binn chosen to by this Court, &c, after the Court eurnestly once & againe desiring his acceptanc, but he persisting in his answer already given, the whole Court came together, & by their voate Jn<sup>o</sup> Richards, Esq, was chosen to be the other agent.<sup>4</sup>

Then follow the Instructions to the Agents, or Messengers. In this connection, Palfrey says :

Danforth, who had come from Maine, as was his custom, to take his place in the General Court, was now chairman of the Committee for preparing instructions for the agents.<sup>5</sup> He took care that Dudley (whom no man knew better), and his easy colleague, should be carefully limited as to the exercise of a discretion so liable to abuse.<sup>6</sup>

On the thirtieth of March, 1683, another Address to the King, further Instructions to Dudley and Richards, and their Commission, are recorded in the Colony Records,<sup>7</sup> in which the Agents are

<sup>1</sup> Massachusetts Colony Records, v. 333.

<sup>2</sup> *Ibid.* v. 333.

<sup>3</sup> *Ibid.* v. 346.

<sup>4</sup> *Ibid.* v. 346.

<sup>5</sup> These Instructions may be read in Massachusetts Colony Records, v. 346-349.

<sup>6</sup> History of New England, iii. 352.

<sup>7</sup> Massachusetts Colony Records, v. 385-392.

impowered "joyntly, and not seuerally, to attend vpon his majesty" and to represent the Colony in the weighty matters committed to their care. While the record is silent as to the personnel of the Committee which draughted these Instructions, there can be little doubt that Danforth, who was in attendance upon this Special Session of the Court, had a principal hand in their preparation.

The Agents left Boston about the first of June, 1682, and "after a tedious passage of nearly twelve weeks," arrived in England where "they lost no time in approaching the Privy Council."<sup>1</sup>

Randolph, fitly characterized as "the Evil Genius of New England," who had been chiefly instrumental in bringing these troubles upon the Colony, was an interested observer here in Boston of the proceedings of the General Court, and industrious with his pen in keeping the English Government informed of the progress of events, not forgetting to impress upon his correspondents his own jaundiced view of what was done and of the men who had been sent to represent the Colony at London. That his statements concerning the Agents and their constituents were scandalously false was recognized in print by such a stanch representative of the Royal prerogative as Hutchinson,<sup>2</sup> in 1769, and they are disproved by Randolph's own letters of an earlier date written in a saner mood.<sup>3</sup>

In a letter to the Bishop of London, dated at Boston, 29 May, 1682, Randolph draws the character of Dudley with a frankness more refreshing than complimentary:

Necessity, and not duty, hath obliged this government to send over two agents to England; they are like to the two consuls of Rome, Cesar and Bibulus. Major Dudley is a great opposer of the faction heere, against which I have now articted to his Majesty, who, if he finds things resolutely manniged, will cringe and bow to any thing; he hath his fortune to make in the world, and if his Majesty, upon alteration of the government, make him captain of the castle of Boston and

<sup>1</sup> Palfrey, *History of New England*, iii. 369 and *note*; *Massachusetts Archives*, cxxvii. 218; below, p. 112.

<sup>2</sup> *Collection of Original Papers (1769)*, p. 537 n.

<sup>3</sup> See "An Answer to severall heads of enquiry concerning the present state of New England," sent by Randolph, in the autumn of 1676, to the Lords of Trade, in *Hutchinson's Collection of Original Papers*, pp. 477-513. See also *Edward Randolph (Prince Society's Publications)*, ii. 225-259.

heaviest sort of handicap." Besides, we must not forget that Lincoln was a good name long before he bore it, that his stock came from Massachusetts, and that strong blood is very persistent. Truth-telling must not be confounded with an undue insistence upon relatively unimportant facts; the latter naturally slips into sentimentality.

A rather sleek person once called to see me at the Library, and informed me that he had been detailed by a committee of some sort to look up the character of George Washington—that many persons were disturbed at rumors floating about in regard to Washington's private life, and that he had taken upon himself the task of investigating the matter. I think that he was sincere, and that he hoped to be able to make out a good bill of health for the Father of his Country; but the nature of the quest did not please me, and I was brief with him. Like the man in the Bible, he went away exceeding sorrowful. I found, at that time, one answer to the question which I have now raised, from something which the late Paul Leicester Ford told me on the publication of his *True George Washington*. He said that Washington's reputation had suffered from the weight of its own grandeur; that people, in short, were getting tired of his virtues and excellencies through overpraise. Mr. Ford accordingly set about an estimate of him as a human, not superhuman, being. Or better, perhaps, he left the original grandeur of the statue, and set Washington on a new pedestal. That, I think, was a wiser way. He told the truth by revealing the limitations only as they contributed to the entire character.

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constituting a logical, consistent whole. This still further leads to the romantic, sentimental, and patriotic considerations which in some form or other do enter into the construction of historical work. Notwithstanding the endeavor to write history on the scientific or empirical basis, there is an insensible passing from the inductive to the deductive. Now I am not for a moment going to discuss the comparative merits of these two contradictory methods, or attempt to say how far they intermingle in most historical writing. The only point of value to me just now is to decide for myself whether the first of these methods, — the scientific or inductive way, — is not about as treacherous as the other, which is confessedly dangerous. I take it for granted that any historian worthy of the name, of either school, is by nature and training a discriminating, fair-minded, and conscientious man. One may be a partizan and still deserving of a high place, but a spirit of propagandism rules out any book. I saw a striking instance of this spirit lately in a book written for the edification rather than the instruction of a certain portion of our American youth. In speaking of the Waldenses, after devoting considerable space to a deliberate vilipending of them, the author closed his case by saying that at last it became "necessary to repress these sectaries!" That was the case of the Waldenses as presented to some American school children. It were safer to trust John Milton on this subject.

I have in mind such a work as Hildreth's History of the United States, admittedly written by a partizan but singularly free, being what it is, from undue bias. A certain faith in his hypothesis may here have strengthened the historian's hand and sweetened his historical disposition. An extreme opposite of this would be some of the writings of Mr. Charles Francis Adams and his brother, Mr. Brooks Adams — both men of extraordinary ability and information, traditional and acquired, and both possessed of a consuming desire to tell the truth. Discarding instantly all conventional interpretations of our remoter past, and feeling no need to follow that current of imaginative enthusiasm which guides most of us more than we are probably aware, these scholars, intensely modern and almost iconoclastic, bring to their aid many powerful facts tending to destroy our prepossession in favor of our earliest history. I certainly do not dispute these facts, and I cannot pretend to have the learning or authority to discredit such writers, yet I am not

convinced that they have invalidated our concepts of the past, legendary as they may possibly be. Historical conceptions are not wholly due to an accurate assemblage of a portion — even a large portion — of the facts. The past as we at this moment conceive it is a sort of slowly formed growth, the purpose of which may be disfigured by many absurd accretions and deformities, yet the main body of which remains sound. It may be a fair question to ask whether, eliminating from our treatment the sympathetic chord which binds us to what has gone before, we can safely trust ourselves, in a detached, modern way, to deal with bygone facts as we should have to deal with them if they had happened only yesterday.

If literature is really a high expression of the truth of life itself, I am fairly prepared to believe that history, written with a just use of the dramatic element seemingly inherent therein, may, on the whole, be safer to trust than the bare presentation of carefully attested facts logically and unimaginatively presented. If we put faith in the great interpreters in other fields of thought, why may we not also trust the historian who has dramatic unity? The generality of mankind certainly has not the wit to decide on the merit of the evidence as offered by the annalistic writers.

The truth is one thing, and he who tells it is another. When I was a small boy I had the doubtful privilege of riding on a rail for a few moments, because my father felt that the policy of Andrew Johnson might be worthy of thoughtful consideration. As I recall this episode in my early life, I also recall that most of the young patriots who raised me, blameless as an Ethiopian, to this bad eminence, have lived to accept office under an administration of quite a different political stripe from that which they then so devotedly followed. Now I have often wondered in just what way they would choose to treat this early escapade on strictly historical lines. They would be obliged, I am sure, to generalize a little.

How far prudential reasons ought to enter into the acceptance or rejection of facts is a most difficult problem. Cost what it may, we certainly ought to lean heavily in favor of telling the truth, however relentless it may prove to be. It would be interesting to know how far the ancient historians were inspired with a desire to be inclusive as well as exact. Their chronicles have the appearance of being simple and direct, yet we must look with

suspicion on the speeches, so wonderfully remembered, made by victorious generals and incorporated in the texts. If there were historiographers in those days, to them probably came the rewards of patronage. Better the days of hard favored critics than those of Mæcenas.

We are now reasonably free from ecclesiastical and even political prejudice in our historical estimates, but it may still be true that we are somewhat fettered by a desire to protect the integrity of our social traditions. In gathering materials for writing a study of William Lloyd Garrison from the standpoint of our national life in its formative period, I am impressed with the complete social cleavages of those days. Prejudices strong then are strong to-day. The situation in one sense remains much as it was. To tell the truth, as it appeared to the various contestants, is but to revive the old animosities; but just as grass grows as graciously on battlefields as elsewhere, so does the softening lapse of time enable us to temper the harsh and unpalatable truth with generous interpretations. Garrison now appears, clad in the habit of a Hebrew prophet, no longer the strident and unappeasable foe of those of more moderate opinions. If he looms large, so too does Calhoun, who saw, what Garrison did not see, the irreconcilability of totally opposite conditions of race.

The truths which we can afford to omit without becoming untruthful, are those which only irritate and antagonize, and which contribute to no useful end. The truths which we cannot afford to ignore are those which, after every reasonable elimination of irritating factors has been made, remain essential to the historical structure.

The more compact and highly developed the life of a community, the more difficult, I suppose, the complete unfolding of historical truth will become. Possibly we of this city are in some danger of overmuch caution. Treading on the toes of a man's ancestors will easily make him wince; but we should not, if we are courageous, let this discourage us. It is possible to offend very gracefully; and it is also a comfort to have ancestors whose bones are of enough importance to be disturbed even by hostile hands.

The reading of this paper was followed by a long discussion in which President KITTREDGE, the Rev. Dr. EDWARD

of the Concord Convention of the seventeenth of July of that year fixing the prices of commodities, and extracts from the Town Records of Hingham relating thereto. These follow.

## I

REPORT OF THE COMMITTEE OF THE TOWN OF  
HINGHAM, 1779.

The Committee appointed to take into Consideration the Resolves of the Convention at Concord of the 17<sup>th</sup> of July & Apportion the different Articles of Traffick Labour Manufacture &c: have Carefully Attended that duty, & find that an Average porportion of the Country produce there mentioned is a mean of Twenty for one or Twenty times as much as said Articles were formerly sold for, and knowing no Reasons why Labour & other Articles should Be Restrained to a less proportion have made that our Chief guide, Expecting the Vertue of a people duly sensible of the Importance of putting a Stop to a further depreciation of our Currency will be sufficient for all our defects herein, We therefore submit the following Resolves to your Candid Judgment —

1<sup>th</sup> Resolved that from & after the Tenth day of August Instant the following articles of poduce Manufactures Labour &c: be not sold at higher price than is hereafter affixed to them Viz W: India Rum £6 — 6<sup>p</sup>: Gallion N: England D<sup>p</sup>: £4 — 16 Molosses £4 — 7 Coffee 18<sup>p</sup>: lb Brown sugar from 11<sup>p</sup>: to 14<sup>p</sup>: lb Chocolate 24<sup>p</sup>: lb Bohea Tea £5. 16 p<sup>r</sup>: lb Cotton 36<sup>p</sup>: lb German Steel 36<sup>p</sup>: lb Salt of the best Quality £9. p<sup>r</sup>: Bshel

Indian Corn . . .	£4—10	} p <sup>r</sup> : Bushel	Fresh Beaf }	£0—5—9
Rie . . . . .	6— 0		till Sep <sup>r</sup> : then }	0—4—9
Wheat . . . . .	9— 0		Mutton . . . . .	4—0
Barley . . . . .	2—16		Veal . . . . .	4—0
Oats . . . . .	1—16		Lamb . . . . .	4—0
Beans . . . . .	9— 0		Butter . . . . .	12—0
Potatoes . . . .	1—10		Cheas . . . . .	6—0
Turnips . . . . .	1— 0		Candles . . . . .	15—0
			Rawhides . . . .	4—6
			hogs fat . . . . .	9—0

Wool of the best Quality by the fleas 26/8 p<sup>r</sup>: lb other Wool in proportion Yarn stockings of the Best Quality 50<sup>p</sup>: p<sup>r</sup>: pair other Stockings in

proportion Plain Cloth of the best Quality  $\frac{3}{4}$  wide of Common Mill Colour £6-p<sup>r</sup> yard Other Woolen Cloth in proportion Flax  $\frac{13}{4}$  p<sup>r</sup> lb Good Linning & Tow Cloth shirting  $\frac{7}{8}$  wide  $\frac{32}{7}$  p<sup>r</sup> y<sup>d</sup> all other Linning in proportion Soal Leather  $\frac{22}{8}$  p<sup>r</sup> lb Currying Leather  $\frac{45}{7}$  p<sup>r</sup> Side D<sup>r</sup> Calves Skins  $\frac{22}{6}$  Good Neat leather Mens Shoes £6-6 p<sup>r</sup> pair Womans D<sup>r</sup> £5-5 Other Shoes in proportion Oak bark £20— p<sup>r</sup> Cord Hemlock D<sup>r</sup> £13—6-8 p<sup>r</sup> Cord Good oak Wood £12 p<sup>r</sup> Cord Other Wood in proportion, White Oak plank £120 p<sup>r</sup> Thousand other plank in proportion pine boards Merchantable £40 p<sup>r</sup> Thousand Cedar Timber For Coopers £48 p<sup>r</sup> Load, pails from £5 to 9 p<sup>r</sup> doz: Other Ware in proportion, Good Cedar Rails £18 p<sup>r</sup> Hundred, Good White Oak Barrel Staves £60 p<sup>r</sup> Thousand Red oak D<sup>r</sup> £40 p<sup>r</sup> Thousand —

Good white oak Cyder Barrels £4 Fish Barrels £2-13-4 and all Other timber not here Specified 20 times as much as formerly, English hay £35 p<sup>r</sup> Ton, Other hay in proportion Milk  $\frac{2}{3}$  p<sup>r</sup> Quart Bloomery Iron 30£ p<sup>r</sup> Hundred, Shoeing Horses £4-16-8 Other Country Woork in proportion Axes £6-15-Ship Carpenters Labour £4 p<sup>r</sup> Day Spinning Linning  $\frac{26}{8}$  p<sup>r</sup> blue, Other Spinning in proportion Freightng Wood to Boston on[e] fifth part of the price of the Wood at the Landing in Hingham Other freightng Twenty times as much as formerly, Teaming Woork and all other Labour both of mens & Womans' and all Articles of produce not here Specified Twenty times as much as formerly, —

And a Right Understanding among the people of the manner that the Resolves of the Conventions are to be Conceived of is highly Necessary for a fair & Just method of Carrying them into Execution, and on Viewing letter & Spirit of Said Resolves are of Opinion that in Order to Appreciate the Currency one essential point therefore is to Impress the minds of the possessors with such a faith in it as shall Naturally Induce him to get and keep it; and in Order to Effect said purpose, it is

2<sup>dy</sup> Resolved that the Exchanging one Commodity for another or Silver & gold be practised only under the Restrictions of A Committe Chosen for that purpose of dispationate Judicious Men as it must in its Tendencies Otherwise have pernitiuous and fatal Consequencies to a paper medium, it Would give an Opening for bad & Designing men to With:hold their Commodities for an Oppertunity of Exchange which Ought not to be, but that every person haveing a Surplus of Articles produce &c: more then for his own Family Consumption Shall be Obligated to part with a Reasonable Quantity for his Neighbours precent use & to Receive the Currency therefor —



3<sup>dly</sup> Resolved that there be A Committee to Serve as Watchmen among us and hear all Complaints and act thereon or lay the Same before the Town, and that these Resolves be Offer<sup>d</sup> to every Male Inhabitant in the Town for their acceptance or Non Acceptance thereof p<sup>r</sup> Order of the Committee,

CHARLES CUSHING *Chairman*

Hingham Aug<sup>t</sup> 2<sup>d</sup> 1779

A Copp

[*Filed*]

Report of A  
Committee in 1779 on  
Prices of Articles  
Charles Cushing, Chairman

Copy.

## II

### EXTRACTS FROM THE TOWN RECORDS OF HINGHAM, 1779.

Town Meeting, July 5, 1779.

At said Meeting the Town resolved to send a Committee to meet with the several Committees in this State at Concord<sup>1</sup> to affix prices to the articles of Labor, produce &c. and made Choice of Doct<sup>r</sup> Tho<sup>s</sup> Thaxter & Cap<sup>t</sup> Charles Cushing for a Committee.

Adjournment of above meeting, July 26, 1779.

Resolved to act on the third Article in the warrant which was to take into Consideration the resolves of the late Convention at Concord. At the same Meeting of the town resolved to accept of the prices affixed to the several Articles mentioned in the first resolve and resolved to Choose a Committee to Consist of 15 to affix prices to Manufacture, Labor, Produce &c: and Chose Cap<sup>t</sup> Charles Cushing [and fourteen others].

Voted that the afores<sup>d</sup> Committee take up the resolves of the Committee of Concord at Large and Come into Measures of Apportioning on the different articles of Traffick Labor &c between the inhabitants of said Town, and be laid before them at the Adjournment of this Meeting. . . .

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<sup>1</sup> See Massachusetts Province Laws, v. 1253-1255.

Adjourned the meeting to Tuesday the third day of August next at four O'clock in the afternoon.

Met on the adjournment and Voted to Accept the report of the Committee chosen to affix prices to Traffick Labor &c in this town.

Mr. ANDREW McFARLAND DAVIS read the following paper on —

THE LIMITATION OF PRICES IN MASSACHUSETTS, 1776-1779.

The paper submitted by Mr. Lincoln is of great interest, and is worthy of our study, not because the character of the document is unique or the action taken by the town individual, but because the opinions expressed represent the feelings of the average New England town at that time. Such was the typical outcome of the struggle against the rise in prices for which at the outset the war was mainly responsible, a responsibility, however, which at a later date was subordinated to the influence of the inflated currency. The expressions of opinion and the recommendations for action in this document also command our attention because they represent a stage of economic thought. Against the evil for which the townsmen of Hingham sought a remedy, Committees of investigation had been appointed in the Assembly, Committees of Conference from different States had sat in Conventions; Acts limiting prices and prohibiting transportation had been passed; embargoes had been declared; and legislation bearing upon the subject, in the form of Laws or Resolves, as the case might be, had followed so thick and fast that it was difficult from day to day to tell what one could do in the way of trade or what one might be permitted to own in the way of provisions.

Even before the premium upon silver and gold had become so pronounced as to be much of a factor, the disturbance to commerce and to local industry produced by the war, had caused a rise in bread-stuffs and other necessities of life of sufficient importance to stir up the community. In the scale of depreciation adopted in 1780, by means of which debts were to be adjusted, the first date at which the depreciation was considered of enough importance for recognition is January, 1777, when the premium on coin was fixed at five per cent. Yet as early as February, 1776,<sup>1</sup> a committee of

<sup>1</sup> Massachusetts Province Laws, v. 669.

Representatives was appointed to take into consideration the high price of goods and recommend what action ought to be taken in consequence thereof. For some months thereafter, petitions poured in to the Assembly representing that merchants and farmers were charging exorbitant prices for their goods, and praying for legislative relief.

June nineteenth, 1776,<sup>1</sup> the Assembly by Resolve temporarily prohibited the transportation of provisions out of the State. September fourth, 1776,<sup>2</sup> another temporary Act was directed against the exportation of lumber.

The concurrence of sentiment in the different States that some joint action of a remedial character ought to be taken, led to the appointment by the Assembly on the sixteenth of November, 1776,<sup>3</sup> of a committee of conference to meet similar committees from the other New England States on the tenth of December at Providence, Rhode Island. Under the instructions given the Massachusetts delegates they were to prepare propositions for the regulation of the currencies of the States to be submitted to the Continental Congress. Before the delegates left for Providence their powers were enlarged to comprehend also the following subjects: The prevention of monopolies; the limitation of prices; the regulation of vendues; the placing of embargoes on shipping; and such other matters as were of general concern and not repugnant to the powers of the Continental Congress.

The Resolve prohibiting the transportation of provisions out of the State during the summer of 1776, had in the interim expired, but that the condition of affairs which prompted this Resolve still continued is shown by the fact that on December second, 1776,<sup>4</sup> power was conferred upon the Board of War to impress goods for the use of the army and that on the seventh of December<sup>5</sup> an embargo was laid on all vessels. This was followed by the passage of a Resolve on the seventh of February, 1777, which was amended April twenty-third, prohibiting the transportation into other States of rum, molasses, and numerous other articles. These Resolves

<sup>1</sup> Resolves of the General Assembly (1776), p. 19.

<sup>2</sup> Province Laws, v. 558.

<sup>3</sup> *Ibid.* v. 669.

<sup>4</sup> Resolves of the General Assembly (1776), p. 23.

<sup>5</sup> *Ibid.* p. 32.

were known as the Land Embargo and were repealed September fifteenth, 1777.

December tenth,<sup>1</sup> about two weeks before the Providence Convention actually met, a committee of the Assembly was appointed whose function it was to propose a conference of committees from the New England States to meet in Connecticut for the purpose of discussing the exact questions included in the additional powers given the delegates to Providence. The amended instructions to these delegates probably represent the result of this appointment.<sup>2</sup>

The Convention of Committees from New Hampshire, Massachusetts, Rhode Island, and Connecticut met at Providence on the twenty-fifth of December and on the thirty-first reported a scale of prices which they recommended for establishment in the several New England States. This scale of prices included pretty much everything, except real estate, for which money could be expended in New England. The report was a voluminous document and represented a prodigious amount of labor. On the twenty-fifth of January, 1777,<sup>3</sup> the recommendations of the Convention in regard to prices were accepted in Massachusetts and bodily incorporated in the Statute entitled An Act to prevent Monopoly and Oppression. This Act as originally passed had no time limit. In May it was amended and a time limit of three years was set.<sup>4</sup>

If we turn to the Boston Records we can see how this legislation was brought about and trace its effects during the brief period of its existence. In November, 1776,<sup>5</sup> a committee appointed in that town to consider the grievances arising from forestalling wood, provisions, and other necessities of life, contented themselves with the minatory statement that for the present they forbore to mention the names of those who by engrossing and forestalling were greatly injuring the town. The engrosser of that day sought to control the market by purchasing all that there was; the forestaller sought to get possession of the goods before they reached the market. Both operated for a rise, hence both were unpopular.

<sup>1</sup> Resolves of the General Assembly (1776), p. 84.

<sup>2</sup> Province Laws, v. 670.

<sup>3</sup> *Ibid.* v. 583.

<sup>4</sup> *Ibid.* v. 647.

<sup>5</sup> Boston Record Commissioners' Reports, xviii. 253.

February sixth, 1777,<sup>1</sup> a committee of thirty-six persons, not in trade, was chosen to aid the Selectmen and Committees of Correspondence, Inspection and Safety, in the enforcement of the Monopoly Act. This committee displayed some activity but evidently could not cope with the situation.

In October, 1777,<sup>2</sup> the Act to prevent Monopoly and Oppression was repealed. This action was probably brought about through a second conference of Committees of States. The first, it will be remembered, was confined to the New England States. Legislation of this sort to be effective in any State required that similar legislation should comprehend within its scope all the other States with which active intercourse was possible. At this stage of the war this meant that if New York were to co-operate with New England, the conditions would be as favorable as possible under the then existing circumstances, for the enforcement of the restrictions in Massachusetts. The British forces held New York City; their vessels had free access to the Hudson River, and it was still possible that an invading army from Canada might separate the New England States from those farther South. There was a portion of the State of New York, however, with which co-operation was possible, and to secure that co-operation seemed important. June twenty-seventh, 1777,<sup>3</sup> a new Committee of Conference was therefore appointed, to meet committees from the other New England States and from New York at Springfield on the thirtieth day of July next ensuing.<sup>4</sup> The delegates were to consider the expediency of calling in the paper currency of the States and also what was best to do with reference to the Act to prevent Monopoly and Oppression. In addition, they were to confer relative to the legislation which had been passed to prevent the transportation of certain articles from one State to another.

So far as the currency was concerned, it will be remembered that it was one of the subjects which the Providence Convention had under consideration.<sup>5</sup> The recommendations of this body had been

<sup>1</sup> Boston Record Commissioners' Reports, xviii. 260.

<sup>2</sup> Province Laws, v. 733.

<sup>3</sup> Resolves of the General Assembly (1777), p. 24.

<sup>4</sup> Province Laws, v. 810.

<sup>5</sup> *Ibid.* v. 813.

conservative. They said that there was too great an amount in circulation and they recommended the several States not only not to make further emissions, but to retire the outstanding bills as they became due, and in future to supply the Treasury by borrowing on interest bearing notes of short terms.

The Springfield Convention met at the appointed time and in the report which, after due conference, they adopted they recommended the calling in of all non-interest bearing notes of greater denominational value than one dollar which had been emitted by the States, thus leaving the field for non-interest bearing notes practically open for Continental bills. The passage, on the thirteenth of October,<sup>1</sup> of an Act to accomplish the above suggestions was the response made in Massachusetts.

This Convention also recommended the repeal of so much of the Monopoly Act as attempted to regulate prices. The special evil against which provision was attempted to be made in the Monopoly Act was the rise in prices of provisions and goods in general and it was asserted in the preamble to the Act that this was due to the avaricious conduct of many persons who not only added to the exorbitant prices which were demanded for every necessary and convenient article of life but by this avaricious conduct increased the price of labor. Among the prices which the Assembly undertook to regulate in this Act was that of labor. It was also provided that auctioneers were not to be permitted to receive bids for goods higher than the prices stated in the Act. Individuals were prohibited from "engrossing" or having in possession more of any of the articles enumerated in the Act than was necessary for consumption in ordinary family life.

The recommendation of the Springfield Convention was that all legislation through which the regulation of prices was undertaken should be repealed. The Convention, however, went on to state that they regarded engrossing and withholding from sale the conveniences and necessities of life and the accumulating of profits on the same by repeated sales as having a fatal and dangerous tendency and they recommended the prohibition of such proceedings.

It will be seen that a part of the Act to prevent Monopoly and Oppression was approved and a part was condemned in this report.

<sup>1</sup> Province Laws, v. 734.

The Massachusetts Assembly paid no attention to the suggestion of the Convention that it was only the "regulation of prices" that they wished to have abolished,<sup>1</sup> but in its energetic expression of disgust at the failure of this attempt to hold prices down, declared that the Act was very far from accomplishing the salutary measures for which it was intended and that each and every paragraph was repealed. This repeal carried with it the clause directed against engrossers and the sections regulating public auctions. So far as the latter were concerned, specific legislation was from time to time directed against the sale of goods at public auction and this legislation, which by repeated extensions was kept in force for several years, was evidently regarded as having a beneficial effect.<sup>2</sup>

In September, 1777,<sup>3</sup> it was asserted that it was of great importance that cider as well as all kinds of grain, whether imported or produced in the State, should be preserved for the use of the army and the people of the State, and for this reason the distillation of spirits either from cider or from any grain was prohibited.

In November, 1777,<sup>4</sup> the Continental Congress divided the States into three groups and recommended them to hold Conventions for the purpose amongst other things of regulating the price of labor, the charges of inn-holders, the prices of commodities, and for the provision of some power for the seizure of goods in the hands of engrossers and forestallers. New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware were requested to appoint representatives who should meet in conference at New Haven, January fifteenth, 1778. Two days before the Convention was to meet, delegates were appointed by Massachusetts and they were instructed that "all Monopolizers, Oppressors, Sharppers, Forestallers and Extortioners" were to be "discountenanced and suppressed." The New Haven Convention was attended by persons authorized to represent the several States mentioned with the exception of Delaware, and on the thirtieth, after due deliberation, reported a scale of prices. This scale was adopted by several States, but not by all those represented at the Conference. Among the States which did not adopt it was Massachusetts.

<sup>1</sup> Province Laws, v. 733, 734.

<sup>2</sup> *Ibid.* v. 730, 738, 777, 922.

<sup>3</sup> *Ibid.* v. 731.

<sup>4</sup> *Ibid.* v. 1012.

Notification of the final decision of the Assembly upon this point was conveyed to Congress in a letter which was dated April twenty-seventh, 1778.<sup>1</sup> Pressure was brought to bear to secure a change of attitude in the Assembly on this subject, but this was finally put to rest by the passage in the Continental Congress, June fourth, 1778,<sup>2</sup> of a Resolve recommending those States which had passed laws regulating prices to repeal them.

In March of that year, the citizens of Boston having under consideration "the present extraordinary high Price of Provisions" concluded that "One Great Reason of the present Excessive Price of Provisions in this Town arises from the Avarice, Injustice & Inhumanity of certain Persons within Twenty Miles of it, who purchase great Part of the same of Farmers living at a greater Distance & put an exorbitant Advance upon it."<sup>3</sup> They recommended the passage of a law against "the inhuman & unrighteous Practice of monopolizing the Necessaries of Life, & forestalling this Market," and they suggested that the more opulent citizens should not only subscribe for the relief of their poorer neighbors, but should also agree among themselves "on no Occasion whatever [to] have more than *Two Dishes* of Meat on the same Day on their Table," and also to "avoid the Use of *Poultry* & every other Superfluity as much as possible." The inhabitants of the town were recommended "to make two dinners per week on fish, if to be had." A few days after this the town petitioned the Assembly for relief from forestallers of the market and alleged that "their uncommon Sufferings are greatly encreased by the more than Brutish Conduct of these Wretches within a few Miles of this Capital known in the odious Character of Forestallers."<sup>4</sup> They prayed that an "effectual Law" might "be enacted against this Species of Wretches."<sup>5</sup>

Meantime, on the eighth of June, 1778, Congress laid a temporary embargo on provisions which was by subsequent Resolve continued in force until January first, 1779, or until sufficient supplies should have been obtained for the Army and the French fleet. The several States were recommended to pass laws for the seizure and forfeiture of grain and flour in the hands of engrossers.

<sup>1</sup> Province Laws, v. 1017.

<sup>2</sup> *Ibid.* v. 1019.

<sup>3</sup> Boston Record Commissioners' Reports, xxvi. 9.

<sup>4</sup> *Ibid.* xxvi. 13.

<sup>5</sup> Province Laws, v. 1016.



The Act against Monopoly and Forestalling, passed February eighth, 1779, was the response to this appeal. It provided that no person other than bakers could purchase grain or flour, more than would be sufficient to provide for his family, until the next harvest. Bakers could carry a three months' supply. One year's supply of meat was permitted.<sup>1</sup>

While this Act was pending in the Assembly the various town committees of Boston were at work; some collecting money for the aid of the suffering poor, others running down forestallers. February second, one of the Committees having the latter subject in charge, reported numerous instances of forestalling, and stated that they were seeking proof in sundry cases. The evidence against some of the offenders is given in full in the record, and it was agreed that "the names of all who are found guilty of monopolizing the necessaries of life should be held up to public view."<sup>2</sup> It is presumable that similar activity prevailed elsewhere, but there is testimony, nevertheless, to the effect that the Act was not uniformly enforced. Indeed, this may be inferred from the passage of an Act on the twenty-fourth of June, 1779, in the preamble to which the Assembly alleged that "many people within this State are so lost to a sense of public virtue as to withhold the necessaries of life, and to refuse the public bills of credit of this State and the United States of America for any articles they may have to sell."<sup>3</sup> To remedy this lapse from virtue, it was enacted that no family could have on hand more provisions than were necessary for the support of such family for one year. Provision was made for forcing the sale of any surplus and for compelling the owner to receive bills of credit in payment therefor.

In the spring of 1779, the upward flight of the precious metals when measured in Continental bills was so pronounced that the whole country was aghast at the situation. According to the scale of depreciation twelve hundred and fifteen dollars in these bills were required in May to purchase one hundred dollars in coin, and the depreciation was sensibly progressing from day to day. On the twenty-sixth of May Congress promulgated an address to the inhabitants of America, calling "their serious attention to the great and

<sup>1</sup> Province Laws, v. 924.

<sup>2</sup> Boston Record Commissioners' Reports, xxvi. 46.

<sup>3</sup> Province Laws, v. 1073.

increasing depreciation of the currency " which they said " required the immediate, strenuous, and united efforts of all true friends of their country for preventing an excursion of the mischiefs that have already flowed from that source." On the same day a committee of citizens in Philadelphia reported and published a list of prices at which sundry articles stood on the first of May. On the twenty-seventh a general meeting of the citizens of Philadelphia was held in the State House yard at which this scale of prices was reported. Action was taken tending towards maintaining prices at this standard, resolutions were passed against monopolizers, and provision was made for "proceeding in this business and carrying it out throughout the United States."

The subject was taken up in Boston June sixteenth, when a number of merchants, sitting at the Court House, agreed on resolutions containing a scale of prices to be in force between themselves and further agreeing to limit prices after July first next ensuing to those which prevailed May first, provided the other towns in the State would co-operate. They expressed their approval of the Act against Monopoly and Forestalling and they agreed not to buy silver or gold and not to buy merchandise with hard money.

These resolves were reported to a meeting of the inhabitants of Boston, held at Faneuil Hall, June seventeenth. The committee appointed at that meeting expressed the feelings of those who attended it in a series of resolutions in which they attributed the depreciation of the currency "to Hawkers and Monopolizers who have crept from every hole of obscurity and daring to assume the character of merchants are adding to the miseries of this distressed town." They approved the resolutions of the merchants and appointed a committee to correspond with Philadelphia. They denounced those who should refuse Continental currency and asserted that such persons ought to be "transported to our enemy." Further, all those who did anything to counteract the designs of the merchants or who endeavored to evade the salutary measures proposed were "not to be suffered to remain amongst us." They directed the Committee of Correspondence of Boston to send a circular letter to the other committees of this character in the State seeking for advice as to the measures that could be adopted in the emergency. In pursuance of these instructions the Boston Com-

mittee, on the twenty-first of June, called a Convention to be held at Concord on the fourteenth of July, 1779, to take into consideration the measures recommended by Congress.

On the same day that this call was issued the Assembly,<sup>1</sup> by Resolve, laid an embargo on the exportation of provisions to continue in force until November fifteenth, and by sundry Resolves of temporary force they prohibited the sailing of all outward bound vessels for several weeks. The embargo on provisions was by Act dated September twenty-third, 1779,<sup>2</sup> continued in force until June fifteenth, 1780. The quotations already given from the Resolves of Committees and from the preambles of Acts sufficiently illustrate the bitterness of feeling which was entertained towards those who dealt in provisions. With a currency declining so rapidly that the variations in value from day to day were of importance even in small transactions, the efforts of the seller to protect himself were regarded with jealousy and suspicion. These feelings included not only men but communities. Boston was regarded by its neighbors as being on the lookout for its own interests, while the outlying towns were criticized and abused by the unreasonable fanatics who shut their eyes to the true cause of the situation.

The town of Roxbury had been subjected to abuse for its supposed selfish disregard of the suffering community in Boston. When the citizens of that town voted to co-operate in the Concord Convention, the Continental Journal and Weekly Advertiser, in publishing the resolves passed at the town meeting, stated that "they sufficiently contradict the report of late circulated" that that town "had resolved to sell as dear and purchase as cheap as they could and sufficiently stamp the character of the authors of so gross a falsehood."<sup>3</sup>

Another Boston paper, the Evening-Post and the General Advertiser, July seventeenth, 1779, gives the proceedings of a meeting in Boston where it was resolved, "That if any person or persons shall hereafter dare to go over the Neck or Charlestown Ferry to purchase butter or other articles or shall offer more for the same than what is asked they may depend on meeting with the severest resentment of this body without favor or affection."

<sup>1</sup> Province Laws, v. 1255.

<sup>2</sup> *Ibid.* v. 1114.

<sup>3</sup> See the issue of 15 July, 1779.

The Concord Convention was a complete success so far as numbers were concerned and as there was great unanimity of sentiment they soon agreed upon a scale of prices, which they could and did adopt, but which they had no actual power to enforce. West India rum was the first article, New England rum the second on the list, but there were many solids as well. The Convention resolved that any person who should receive more than the schedule price for any article was an enemy and ought to be treated as such.<sup>1</sup> The prices of European manufactures were left to be fixed in the trading towns. Monopolizers and forestallers and dealers in gold and silver were denounced and the towns were called upon to stop such practices. The Convention finally adjourned to meet a second time in October. Azor Orne, the President of the Convention, issued an address in which he said: "The comparative value of silver and gold can be no rule for the price of anything else; as silver or gold might be much more or less wanted than other articles and of course so much dearer or cheaper." In August, the Boston delegates issued an address to the country towns in which they referred to the good effects of the Convention in allaying the "unnatural jealousy which had for some time before subsisted between the inland and the maritime towns." The several towns represented at the Convention then separately took action upon the report of doings submitted to them. We have seen to-day what was done in Hingham. The Boston delegates submitted their report on the twenty-eighth of July and voted to take effectual measures to carry the resolutions into execution. The fixing of some of the prices which were left to towns required consideration and occupied some time, but on the sixteenth of August a scale was reported and adopted, and it was voted that any person who should violate the resolutions through which this was effected, should "have his or her name published by the committee hereafter appointed in the Newspapers in this town that the public knowing may abstain from all trade and conversation with them and the people at large inflict upon them that punishment which such wretches deserve to trade or hold any intercourse or conversation with such persons." It was also voted "that it is the duty of every citizen to keep a vigilant eye upon his neighbor" lest he should infringe upon the resolutions, and if infringements

<sup>1</sup> See the Boston Gazette of 2 August, 1779.

were seen they were to be reported. The sending of servants to the market ferries, to the Neck and to the neighboring towns to make purchases was declared to be opposed to the spirit of the resolution and persons who should do this would incur the resentment of the people. The report was unanimously adopted, and then the trouble arising from the vigilance with which every citizen kept his eye on his neighbor began. Committees were appointed "to be stationed at the fortification and Charlestown Ferry in rotation to prevent persons going out of Boston to purchase provisions." For some weeks after this, the records show that the attention of the citizens assembled from time to time in Town meeting was devoted to hearing reports concerning the merchants who would and the dealers who would not "adhere to the regulating Act." It matters but little to us that William Mollineux "treated" the Committee "with indelicate language the effect of high passion," nor is the indecision of Mrs. Molly Williams who could not determine "whether she would conform as the merchants had raised their goods," of much importance, yet these facts taken from the records represent the microscopic character of the scrutiny carried on from day to day, and form characteristic samples of the reports submitted to the consideration of the towns-people assembled in public meeting. That Boston must have been in a state of turmoil while such an inquisition as this was going on is evident.<sup>1</sup> When Congress passed the resolutions to carry out which the Concord Convention was called, the depreciation was twelve hundred and fifteen in Continental bills for one hundred in coin. The meetings which we are now considering took place in September. The ratio of depreciation at that date was eighteen hundred. In October it was two thousand and thirty. Surely the merchants who sold Molly Williams her goods must from day to day have marked up their stock and one can pardon her for her hesitancy to agree to adhere to any fixed scale of prices, nor should we feel disposed to criticize Jonathan Amory when he told the Committee that "as to rendering an account of goods by wholesale he must think of it."

This inquisition was too violent to last long. The Concord Convention had voted to hold a second session on the sixth of October, and on the fourteenth of September Boston elected seven delegates.

<sup>1</sup> For an account of the carting out of town of several persons, under the direction of Joyce Junior, see the Publications of this Society, viii. 94-101.

On the nineteenth of October the town received and adopted the resolutions and proceedings of the second Concord Convention and voted as far as possible to carry them into execution. The scale of prices then adopted was headed with articles which were presumably in more general use than rum, whether imported or of domestic manufacture. Indian corn headed the list, followed by rye and rye meal as a close second.

The steady rise in the premium on gold and silver during the interim between the two sessions of the Concord Convention has been noted, yet Walter Spooner, the President of the second Convention, in an address dated October twelfth, says: "The late arrangements had the immediate effect to restore that confidence in the currency which seemed to be failing for want of knowing the true state of our finances." Whether the attempt to fix prices was actually effectual in this direction may be doubted, but the influence of the Convention was strongly exerted in behalf of loans to the government and was in this respect doubtless effective.

In Concord itself, the home of the Convention, a Committee chosen to fix prices on the articles not enumerated in the Schedule of the second Convention, on the first of November reported "that as the regulations agreed upon by the late Convention had been broken over by the inhabitants of Boston and many other places they thought it not proper to proceed with the business assigned to them but to postpone the matter."<sup>1</sup>

If we refer to the Boston Records for evidence of the basis for this statement, we find, as has been already stated, that on the nineteenth of October<sup>2</sup> the town voted to carry into execution so far as they could the recommendations of the Convention, and it is also recorded that they then and there appointed a Committee of merchants to "affix the prices of European Goods, Wine &c. Agreeable to the resolves of the Convention." This Committee reported verbally on the ninth of November<sup>3</sup> that they found it impracticable to perform the duty assigned to them. Whereupon a vote was passed calling Thomas Cushing and James Gorham delegates to a Convention lately held at Hartford before the meeting, to report upon the proceedings of the Hartford Convention. What they

<sup>1</sup> Shattuck, *History of Concord*, p. 123.

<sup>2</sup> *Boston Record Commissioners' Reports*, xxvi. 98, 99.

<sup>3</sup> *Ibid.* xxvi. 100, 101.

reported does not appear, but apparently the matter was dropped at this point.

The Hartford Convention above referred to was instigated by the Massachusetts Assembly. In a letter dated September twenty-eighth, 1779, addressed to the other States concerned, the Assembly called attention to the fact that an attempt had been made at Concord to fix a scale of prices, which had practically resulted in an unusual transportation of provisions over the borders of the State, to prevent which, remedial legislation prohibiting such transportation had become necessary.<sup>1</sup> The Act of September twenty-third, already alluded to, is the legislation referred to. The Assembly deplored this condition of things and sought for co-operation on the part of the States of New Hampshire, Rhode Island, Connecticut and New York, to procure which they proposed a Convention to meet at Hartford, October twentieth, 1779. Cushing and Gorham were appointed to represent Massachusetts.<sup>2</sup> They were instructed to explain to the other delegates the motives which led to the passage of the embargo law to concert measures to appreciate the currency and to open a free and general intercourse of trade.

The Convention met at Hartford and on the twenty-eighth of October adopted a series of resolutions. They attributed the various failures of previous attempts to remedy the situation to the multiplied emissions of continental bills. Congress having set a limit for these at \$200,000,000, they thought the natural depreciation of the bills in circulation could be determined and a basis ascertained on which reasonable prices for articles of commerce and produce could be fixed. They declared that a limitation of prices would have a tendency to prevent the further rise of provisions, but thought it desirable that all the States as far west as Virginia should accede to it. They, therefore, proposed that a Convention of the New England States, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia should be held at Philadelphia on the first Wednesday of January, 1780. Other resolutions, urging uniformity in legislation on these topics and recommending special steps to be taken by New York to permit the Eastern States to secure flour, were also passed.

The special provision for the transportation of flour from the State of New York to the Eastern States brings before us some

<sup>1</sup> Province Laws, v. 1256.

<sup>2</sup> *Ibid.* v. 1258.

of the difficulties connected with the system of interstate embargoes which was then in operation. Wherever the armies had been encamped for any length of time the country was stripped of supplies. The siege of Boston for a time exhausted eastern Massachusetts. The various military activities at Newport paralyzed Rhode Island and brought to the verge of famine some of the small towns in south-eastern Massachusetts. The French fleet and the French soldiers, when at Newport, had but one place to turn for fresh provisions. Connecticut, in touch with military affairs only so far as raids along her western border and one or two raids on the seaport towns of the Sound could affect her, was as a whole well supplied with food. These supplies neither the French allies nor the famishing towns of Massachusetts could procure except by special permits from the Governor designating the amounts to be transported and specifying in detail the purpose of the export.

The report of the Massachusetts delegates to the Hartford Convention was submitted to the Council November eleventh,<sup>1</sup> and was under discussion at various dates. Meantime Congress on the nineteenth of November recommended the States to enact laws for establishing a general limitation of prices, to commence their operations February first. It was, however, deemed inexpedient in Massachusetts to take any such action until the report of the Philadelphia Convention should be received. Elbridge Gerry and Samuel Osgood were appointed to represent this State in that Convention with powers to consult and confer upon the expediency of limiting the prices of articles of produce and merchandise. The letter of instruction addressed to the delegates, while admitting the many advantages to be gained from the general limitation of prices, was, on the whole, devoted to a powerful rehearsal of the arguments against such a proceeding. The Convention met on Saturday, the twenty-ninth of January, 1780, all the States concerned being represented except New York and Virginia.<sup>2</sup> The absence of these States prevented action, except that a Committee was proposed to be appointed to prepare a plan for the limitation of prices to be submitted to the Convention at an adjourned meeting. Letters were sent to New York and Virginia and the Convention adjourned to meet in Philadelphia April fourth.

<sup>1</sup> Province Laws, v. 1261.

<sup>2</sup> *Ibid.* v. 1264.



Before that date arrived Congress on the eighteenth of March, 1780, by Resolve declared that the Continental bills then in circulation were not worth more than one fortieth of their denominational value.<sup>1</sup> They recommended the States to call in and destroy their several quotas of the bills in circulation and to issue new interest bearing State bills, payable on short terms in gold and silver, which bills the United States would guarantee. On the fifth of May, 1780, Massachusetts complied with this request, called in her share of Continental bills and provided that collectors might receive gold or silver in payment for the taxes through which this was to be accomplished on the basis of one to forty. It is evident that from the time that Congress openly discredited these bills in March, 1780, there was no more need of efforts to sustain the currency whether by plans for limiting prices or by other means. Prices would now take care of themselves and be governed by natural laws.

The schedule of prices adopted by the town of Hingham is an event of minor importance in this episode which convulsed the whole country during the period of the currency inflation from 1776 to 1780. Such documents are however well worth preserving, and they will serve their purpose if a perusal of them causes us to stop and reflect upon the curious state of affairs which their very phraseology betrays. We have seen that in Massachusetts surveillance and inquisition was brought to bear to prevent the acquisition of gain by dealers in goods and provisions; that neighbors were urged to watch one another in order to prevent undue advantage on the part of individuals; that towns abused towns and States passed protective laws directed against neighboring States. Will our legislation of to-day read as strangely to the student of history a century and a quarter hence? Will Boston Gas and Standard Oil and Northern Securities and Labor legislation seem as strange to him as these attempts to regulate prices seem to us to-day?<sup>2</sup>

<sup>1</sup> Province Laws, v. 1339.

<sup>2</sup> The student will recognize from the references that the narrative portion of this paper rests upon the collation of authorities in Volume v. of the Massachusetts Province Laws. Some acknowledgment is due to our associate Mr. Goodell, the editor of that volume, for the great value to students of the notes relating to this period of our history which he has collated.

On behalf of Mr. APPLETON P. C. GRIFFIN, Mr. THOMAS MINNS read the following communication :

The following memoranda disclose the name of the editor of the Letters and Other Writings of James Madison, Philadelphia, 1865, which has hitherto been sought by bibliographers without avail.

There have been published two collections of Madison papers. The first, consisting of the report of the debates in the Constitutional Convention of 1787, was drawn up from the manuscripts purchased by Congress in 1837 from Mrs. Madison at the cost of \$30,000. This publication consisted of three volumes and was printed at Washington in 1840 and reproduced at New York in 1841. The publication with which we are now concerned was drawn up from manuscripts purchased by Congress in 1848 from Mrs. Madison at the cost of \$25,000. Congress in 1856 appropriated \$6000 for the publication of 1000 copies of these papers, but in 1865 (as will appear more fully in the report below) reduced the number to be printed to 500.

In addition, I give some extracts from the Records of the Joint Committee on the Library which give details regarding the progress of the publication and show that William Cabell Rives had some of the manuscripts in his possession from 1856 to 1866.

I am indebted to Senator George Peabody Wetmore, Chairman of the Committee on the Library, for permission to take down these notes.

In 1859 Rives published the first volume of his Life of Madison. In the preface he says that —

Many valuable and authentic materials for such a work having recently come into the hands of the writer by a public charge confided to him, and others being placed at his disposal by private courtesy, he was led to consider it a duty, so far as his other occupations would permit, to attempt the execution of a task, which surmises without foundation represented him to have entered upon, at a much earlier period.

Seven years intervened between the publication of the first and second volumes of the Life of Madison. The preface to the second volume states that —

It was prepared for the press more than four years ago, in the state in which it is here given, but, prevented from publication by the inauspicious circumstances of the times, is now submitted to the judgment of the reader.

The Records of the Joint Committee on the Library, now to be quoted, show therefore that a portion of the manuscripts were in Rives's possession as late as 1866, he having had them throughout the period of the Civil War, in which he took part on the Confederate side.

On 27 January, 1865, the Joint Committee on the Library of Congress made the report here printed. This report was never issued as a document, but appears in the proceedings as printed in the Congressional Globe. This probably accounts for its not having been previously discovered.

Mr. COLLAMER. The Committee on the Library have directed me to report a joint resolution in relation to the publication of the papers of James Madison, and I wish to have the unanimous consent of the Senate to consider the joint resolution at the present time. I will state the situation of the case. Congress passed an act directing the Committee on the Library to publish the correspondence of James Madison, and appropriated, I think, \$8,000 for the purpose. They were to publish one thousand copies, which would be four thousand volumes, as the work is to be in four volumes. The committee entered into a contract under the law. In the first place they employed Mr. Rives, of Virginia, to make the compilation, and the papers which had been purchased of Mrs. Madison some years before were put into the hands of Mr. Rives to make that compilation. He did make the compilation and returned the copy here, and was paid for his work out of that appropriation \$3,000. After the copy was furnished by Mr. Rives, a contract was entered into with Mr. Wendell to make the publication, and Mr. Fendall, of this city, was appointed to prepare the index for the work and to supervise the proof-sheets. The thing went on; but the change of circumstances, the increase of prices, &c., disturbed it, so that at last Mr. Wendell failed altogether; he could not perform the work, and he gave up the contract. We find that we cannot get the work published to the amount of one thousand copies or four thousand volumes for the money in hand; but we are of opinion that five hundred copies, two thousand volumes, will be sufficient to enable Congress to make all the distribution and exchanges that have been made of the works of Mr. Hamilton,

and we can probably make a contract securing the publication of that number of copies for the money already on hand at the present rate of materials and labor. The committee are of opinion that it is advisable to finish it, and to receive the five hundred copies instead of one thousand as originally provided by law. This resolution is to carry that idea into effect by authorizing the committee to contract for five hundred copies instead of one thousand.<sup>1</sup>

The following extracts are from the Records of the Committee on the Library of Congress:

1856, August 27. The Chairman of the Committee was authorized to engage W. C. Rives to edit the Madison papers.

1860, February 14. The manuscripts of the Madison papers as edited by the Hon. W. C. Rives of Virginia were received and arrangements for the printing of 1000 copies were considered.

1860, May 28. A proposal from C. Wendell to print and bind 1000 copies of the Madison papers was considered.

1860, June 11. It was voted that if an appropriation of \$2000 in the Civil Bill passed the House, the Chairman of the Library committee be authorized to contract with C. Wendell for the publication of the Madison papers at 95 cents per volume of 600 pages, and that the Chairman be also authorized to contract with P. R. Fendall, Esq., to index and revise the proof-sheets of the same at \$800.

1861, December. F. D. Stuart was employed to copy from Freneau's Gazette the articles by Madison for publication in the Madison papers.

1866, January 17. It was voted that the Hon. W. C. Rives be addressed by the Chairman of the Committee with a request that he will return all of the original papers of James Madison in his possession to the State Department.

1866, February 12. The claim of Philip R. Fendall for compensation on account of labor performed in indexing and editing the writings of James Madison was considered, and it was voted that the deficiency bill be amended to include an appropriation of \$2100 to make up the full compensation of \$3000, due Mr. Fendall.

The Records of the Joint Committee on the Library also contain various other items regarding the Madison papers, as for example, that the papers of Helvetius be included in the publication; or, for example, that the Librarian of Congress be directed to draw up a list of libraries which should receive the printed volumes.

<sup>1</sup> Congressional Globe, 27 January, 1865, p. 467.

On behalf of Dr. HORACE HOWARD FURNESS, a Corresponding Member, Mr. HENRY H. EDES presented a silhouette of Timothy Pickering.

Mr. EDES remarked that on the margin of the portrait was an embossed stamp, — "Bache's Patent," — and the following words written partly in pencil and partly in ink: "T. Pickering Sec. State to Washington, for M<sup>r</sup> Jenks." Pickering's sister, Lucia Pickering, married Israel Dodge 17 June, 1766. Their son Pickering Dodge married Rebecca Jenks, daughter of Daniel and Mary (Masury) Jenks, 5 November, 1801, and had a daughter, Mary Jenks Dodge, who married 24 March, 1831, George Washington Jenks, — the person to whom this silhouette once belonged. He was a son of John and Annis (Pulling) Jenks, born 13 June, 1804, a merchant, and died at St. Louis, Missouri, 12 August, 1867. His sister, Annis Pulling Jenks, born 13 October, 1802, married 25 August, 1825, the Rev. William Henry Furness (H. C. 1820), the father of Dr. Furness.<sup>1</sup>

Mr. ALBERT MATTHEWS remarked that, when recently shown this silhouette, he recalled a passage from Pickering's writings and also a skit entitled All Tories Together, which he had stumbled on in a Philadelphia newspaper. These follow.

## I

I have long entertained the opinion, that the few men who for the last twelve years have moved all the springs of public action . . . intended to involve it [our country] in a war with Great Britain; . . . For to the passions and prejudices of the people in favor of the French and against the English, which those men have zealously and perseveringly

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<sup>1</sup> Mr. Edes is indebted to our associate Mr. William Watson Goodwin and to Mr. George Francis Dow for data which enabled him fully to identify the owner of this silhouette. See Salem Town and City Records; Pickering Genealogy (1897), i. 84, 163-166, ii. 460; Historical Collections of the Essex Institute, iii. 94, 95, iv. 78, 79, vi. 252-254.



*Amelia*





*Timothy Pickens*





excited and cherished, they are deeply indebted for the power now in their hands. This is so true, that for many years past their partisans have deemed it sufficient, to ruin any man in the eyes of the People, to pronounce him a friend to Great-Britain; or, in their language of vulgar abuse, a *British Tory*.<sup>1</sup>

## II

## ALL TORIES TOGETHER.

FROM THE PHENIX.

Oh! come in true jacobin trim,  
With birds of the same color'd feather,  
Bring your plots and intrigues, uncle TIM,  
And let's all be tories together.

Bring the heart chilling tales of last war,  
Told by each refugee you can gather;  
Bring the father of Christopher G \*\*\*<sup>2</sup> —  
Let us all be rank tories together.

We'll talk about Lexington fight —  
How you pray'd for success and fair weather,  
While your friends were effecting their flight —  
And let's all be tories together.

And of Robinson's \* proofs all so dread,  
Of conspiracies, hatched in a cellar;  
That frightened poor granny Morse dead —  
And let's all be tories together.

Let us fill up the newspapers with stuff;  
With addresses and pamphlets so clever;  
And swear there'll be taxes enough,  
To make us all tories together.

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<sup>1</sup> Salem Gazette, 12 March, 1813, p. 2/4.

<sup>2</sup> Christopher Gore was the son of Capt. John Gore, who was an Addresser of Hutchinson 28 May, 1774, and of Gage 8 June, 1774, and 6 October, 1775. See Sabine, Biographical Sketches of Loyalists of the American Revolution, i. 483, 484; Publications of this Society, iii. 387, 395.

\* This was possibly John Robinson, Commissioner of the Customs, who on 5 September, 1769, committed an assault on James Otis. See the Boston Gazette, 11 September, 1769, No. 753, p. 2/3.

Let's tell horrible tales of black Sall,<sup>1</sup>  
 And of babies curl'd headed and yellow;  
 All that malice can dictate we'll tell,  
 And we'll all be tories together.

Let us mourn for the days that are pass'd,  
 In the lap of Great Britain, our mother,  
 In joys too delicious to last —  
 But still let us be tories together.

And I charge you, my dear uncle Tim,  
 If England wants help, that you tell her,  
 We'll stick to her cause, sink or swim,  
 Like hell hounds and tories together.<sup>2</sup>

Mr. MATTHEWS also communicated a Check-List of Boston Newspapers from 1704 to 1780, and spoke as follows :

Historical and other students who have occasion to consult American newspapers of the Colonial period have great difficulty in ascertaining where such papers are to be found. No library known to me has a proper catalogue of the papers in its possession, and there does not seem to be in any library a person who knows what it contains. Consequently, much time is wasted in a search for a particular paper. In July, 1903, there was placed in the Boston Athenæum a manuscript Check-List of Boston Newspapers from 1704 to 1760. This was compiled by Miss Mary F. Ayer of Boston, and located every known issue of every Boston paper in eleven libraries. As a labor-saving device, this list deserves to

<sup>1</sup> Though not recognized in the dictionaries, "Sall" appears to be a generic name for a negress, as Sambo is for a negro. In the Harvard Magazine for March, 1855, we read :

Mr. Smith lights his cigar, and swears at slaveholders; Mrs. Smith takes a cup of very sweet coffee, and drops several tears for the oppressed Ethiopian; Miss Smith makes cotton pincushions for the antislavery fair; and Master Smith thinks he should like to marry "Sally dear" (i. 114).

A poetical satire on Jefferson, printed in the Columbian Centinel of 26 February, 1803 (p. 4/1), contained this line :

To charm the lovely SALLY's eye.

<sup>2</sup> Aurora (Philadelphia), 7 October, 1818, p. 2/5.

be printed. The matter was brought before the Council at its meeting in February last, when it was —

*Voted*, That the Committee of Publication are hereby authorized to print this Index in the Publications of the Society, provided Miss Ayer will continue it to 1780,— the period of the adoption of the Constitution.

Miss Ayer, on being approached in the matter, very willingly undertook to carry out the wishes of the Council, and has even increased our obligations by adding another library (that of the Bostonian Society) to her list. The twelve libraries catalogued by Miss Ayer are as follows: American Antiquarian Society, Boston Athenæum, Boston Public Library, Bostonian Society, Essex Institute, Lenox Library, Library of Congress, Library of Harvard College, Massachusetts Historical Society, Massachusetts State Library, New England Historic Genealogical Society, State Historical Society of Wisconsin.<sup>1</sup> Miss Ayer has also indicated issues which are mutilated, those which lack the Supplement, those which have the Supplement only, and duplicates.

It gives me pleasure to communicate to-day the list compiled by Miss Ayer, and I beg to offer the following motion:

*Voted*, That the thanks of The Colonial Society of Massachusetts be extended to Miss Mary Farwell Ayer for completing, at the request of the Council, her laborious and valuable Check-List of Boston Newspapers from 1704 to 1780, and for presenting it to the Society to be printed in its Publications.

This vote was unanimously adopted.

Mr. FREDERICK L. GAY communicated by title: (1) Instructions from Cromwell, in 1654, to the Governors of Massachusetts, Plymouth, and Connecticut, to aid Major Robert Sedgwick in an intended attack on the Dutch at Manhattan; (2) Papers relating to the capture by Sedgwick in 1654 of Port Royal and Penobscot; (3) Two letters written

<sup>1</sup> To these have been added the Historical Society of Pennsylvania and the New York Historical Society. The Check-List is printed in volume ix. of our Publications.

by Sedgwick at Jamaica in 1655 and 1656 ; and (4) Three letters from Jamaica relating to the same expedition.

The name of Mr. APPLETON PRENTISS CLARK GRIFFIN was transferred from the Roll of Resident Members to that of Corresponding Members, since he has removed his permanent residence from Massachusetts to Washington, D. C.

## ANNUAL MEETING, NOVEMBER, 1905.

THE ANNUAL MEETING was held at the University Club, 270 Beacon Street, Boston, on Tuesday, 21 November, 1905, at six o'clock in the afternoon, the President, GEORGE LYMAN KITTREDGE, LL.D., in the chair.

The Records of the last Stated Meeting were read and approved.

The Annual Report of the Council was presented and read by Mr. GEORGE V. LEVERETT.

## REPORT OF THE COUNCIL.

It is the duty of the Council to present at each Annual Meeting a statement of the condition and needs of the Society and a Report for the previous year of its transactions and of the salient facts of its history.

The Society has now been established for so many years that the field of its activity has been well defined and the value of its work known and appreciated. There are two things still lacking to enable it to do fully the valuable work which it has undertaken. We need permanent quarters. We should also have larger Publication Funds in order that the Committee of Publication may issue promptly the collections of historical material in its hands.

At the Stated Meeting of the Society in March, the subject of securing permanent quarters was referred to the Council for consideration. It was certain that the possession of a permanent home would be immediately followed by gifts of books, manuscripts, por-

traits and historical relics, many of which are now known to be withheld because we lack proper facilities for safely caring for them; but after mature deliberation, the Council reached the unanimous conclusion that it was inexpedient to take any steps toward the attainment of that desirable end until the Publications should have been brought up to date and the permanent Publication Funds should amount to at least fifty thousand dollars. This decision, however, must not be regarded as an expression of unwillingness on the part of the Council to undertake the construction of a building for the Society's use if some generous member or friend is disposed to provide funds for the purpose.

During the year there have been, besides the Annual Meeting, five Stated Meetings of the Society at which a large number of valuable papers have been contributed and many documents and letters illustrative of the early history of New England submitted for publication. These will appear in the Transactions.

The amount of unpublished matter in the hands of the Committee of Publication made it imperative that steps should be taken to secure the services of an Editor who would devote his whole time, if necessary, to the duties of his office. Through amendments to the By-Laws made at the last Annual Meeting the office of Editor of Publications was created. The Council immediately thereafter elected Mr. Albert Matthews to fill that office, and with his efficient aid the work of the Committee of Publication has been vigorously prosecuted.

Volume VII. of our Publications, containing the Transactions from April, 1900, to April, 1902, has recently been distributed, and Volume VIII., containing the Transactions from November, 1902, to November, 1904, is in type and will be ready for distribution next spring. Indeed, the Transactions are now wholly in type down to the meeting in April of the current year.

Other volumes are in hand, which will contain original material for the history of the Colony and Province, and they will be published as rapidly as our income will permit. It is important, therefore, that our Publication Funds should be increased to enable the Committee of Publication to bring out as speedily as possible the valuable records necessary to a correct understanding of our history, which hitherto have remained in manuscript. An endowment of \$100,000 devoted exclusively to our Publications would furnish

no more than a sufficient income to provide for the work which can easily be handled.

Mr. Robert Charles Winthrop, Jr., a constant and loyal friend of this Society from its birth, has given proof of his attachment to it by a testamentary bequest of three thousand dollars. This gift is the more welcome since it comes from an historical scholar who was not of our Fellowship. Mr. Winthrop declined the honors of the Society on account of the state of his health ; but his contribution to our Publications in December, 1900, of the then recently discovered letters of Governor Winthrop and the Rev. Edmund Browne to Sir Simonds D'Ewes, gave evidence, during his lifetime, of his deep interest in the Society and its work. The Council will ask the Society at this meeting to take appropriate action upon the bequest of Mr. Winthrop whereby it shall be dedicated to our work of publication and forever be a memorial of a generous benefactor.

During the year there have been added to our Roll the names of five Resident Members,

JAMES EELLS,  
JAMES READ CHADWICK,  
FRANCIS HENRY LEE,  
HORACE EVERETT WARE,  
ELIAS HARLOW RUSSELL;

and four Corresponding Members,

JOHN CARROLL PERKINS,  
CLARENCE WINTHROP BOWEN,  
WORTHINGTON CHAUNCEY FORD,  
APPLETON PRENTISS CLARK GRIFFIN,

the last two by transfer from the Resident Roll.

Five members have died within the last year.

Our Honorary Roll has lost two eminent names :

JAMES COOLIDGE CARTER, the head of the New York Bar, a lawyer of national reputation ; counsel for the United States in many famous cases, and in some of international concern ; a member of important public commissions ; active in organizations legal, literary, and educational ; a forcible writer and speaker ; a public-spirited and patriotic citizen of the highest type.



JOHN HAY, statesman, diplomatist and man of letters, known and honored abroad not less than in his own land, dying in the maturity of his powers, with a fame increasing year by year and abundantly insured for the future, his public services conferred distinction upon his country.

From our Resident Roll three names have fallen :

JOSHUA MONTGOMERY SEARS, a citizen of high character and standing, of public spirit and foresight, and a liberal and wise patron of many enterprises and institutions of interest to the city and the Commonwealth. He seldom attended our meetings and took no prominent part in our proceedings, but he was always ready to respond to any appeal for aid which, in justifiable confidence in his liberality, the Society made to him.

JAMES READ CHADWICK, the beloved physician, one of the most recently elected members of the Society, who consequently had had no time to fulfil the high hopes and anticipations with which we welcomed him to our fellowship. His sudden and early death closed in its prime a life of distinction and beneficence and of brilliant promise.

JAMES MADISON BARKER, identified with important public positions and interests, connected with many business organizations, a Trustee of Williams College, a distinguished lawyer and jurist, an able and honored judge for over twenty years, first on the bench of the Superior Court, and later and till his death on that of the Supreme Judicial Court of Massachusetts.

The Society during the past year has had a vigorous and successful life. Although its income is inadequate, its expenditures have been kept well within it; but the Committee of Publication will need more than the whole available income of the coming year, and their work will be delayed unless further funds are provided to meet their urgent demands.

The Treasurer submitted his Annual Report, as follows :

#### REPORT OF THE TREASURER.

In compliance with the requirements of the By-Laws, I have the honor to submit the following statement of the financial operations of the Society during the past year, and of the amount, character, and condition of the investments.

## CASH ACCOUNT.

## RECEIPTS.

Balance, 15 November, 1904 . . . . .	\$1,693.77
Admission Fees . . . . .	\$50.00
Annual Assessments . . . . .	680.00
Commutations of the Annual Assessment . . . . .	300.00
Sales of the Society's Publications . . . . .	79.10
University Press: paper . . . . .	8.79
Interest . . . . .	2,495.34
Withdrawn from Charlestown Five Cents Savings Bank . . . . .	397.82
Mortgages, assigned or discharged . . . . .	12,500.00
Publication Fund . . . . .	700.00
Editor's Salary Fund . . . . .	950.00
Executors of the will of Robert Charles Winthrop, Jr. . . . .	3,000.00
	<u>21,141.05</u>
	<u>\$22,834.82</u>

## DISBURSEMENTS.

University Press, printing . . . . .	\$1,186.31
A. W. Elson & Co., photogravure plates and plate printing . . . . .	441.46
Suffolk Engraving and Electrotyping Company . . . . .	13.00
Albert Matthews, Salary as Editor of Publications (nine months) . . . . .	750.00
Clerk hire . . . . .	79.95
Mary H. Rollins, indexing Volume VII. . . . .	100.00
Sarah Cresson, listing Boston Newspapers, 1704-1780 . . . . .	6.25
Merchants Parcel and Express Company . . . . .	24.08
Boston Storage Warehouse Company . . . . .	24.00
Hill, Smith and Company, stationery . . . . .	5.50
Carter, Rice and Company, stationery . . . . .	5.00
Library Bureau, index cards . . . . .	13.50
William H. Hart, auditing . . . . .	5.00
Miscellaneous incidentals . . . . .	379.39
Deposited in Charlestown Five Cents Savings Bank . . . . .	567.32
Mortgages on improved real estate in Boston and Brookline . . . . .	18,100.00
Interest in adjustment . . . . .	208.78
	<u>\$21,909.54</u>
Balance on deposit in State Street Trust Company, 16 November, 1905 . . . . .	925.28
	<u>\$22,834.82</u>

The Funds of the Society are invested as follows:

\$47,800.00	in First Mortgages, payable in gold coin, on improved property in Boston, Cambridge and Brookline.
200.00	deposited in the Charlestown Five Cents Savings Bank.
<u>\$48,000.00</u>	

## TRIAL BALANCE.

## DEBITS.

Cash . . . . .		\$925.28
Mortgages . . . . .	\$47,800.00	
Charlestown Five Cents Savings Bank . . . . .	200.00	48,000.00
		<u>\$48,925.28</u>

## CREDITS.

Income . . . . .		\$925.28
Editor's Salary Fund . . . . .	\$1,400.00	
Publication Fund . . . . .	2,500.00	
General Fund . . . . .	6,100.00	
Benjamin Apthorp Gould Memorial Fund . . . . .	10,000.00	
Edward Wheelwright Fund . . . . .	10,000.00	
Robert Charles Billings Fund . . . . .	10,000.00	
Robert Noxon Toppan Fund . . . . .	5,000.00	
Robert Charles Winthrop, Jr. Fund . . . . .	3,000.00	48,000.00
		<u>\$48,925.28</u>

HENRY H. EDES,  
*Treasurer.*

Boston, 16 November, 1905.

## REPORT OF THE AUDITING COMMITTEE.

The undersigned, a committee appointed to examine the accounts of the Treasurer of the Colonial Society of Massachusetts for the year ending 16 November, 1905, have attended to that duty and report that they find them correctly kept and properly vouched, and that evidence of the investments and of the balance of cash on hand has been shown to us. This examination is based on the report of William H. Hart, Auditor.

THOMAS MINNS,  
AUGUSTUS P. LORING,  
*Committee.*

Boston, 17 November, 1905.

The several Reports were accepted and referred to the Committee of Publication.

Mr. WILLIAM C. WAIT, on behalf of the Committee appointed to nominate officers for the ensuing year, presented

the following list of candidates; and, a ballot being taken, these gentlemen were unanimously elected:

PRESIDENT.

GEORGE LYMAN KITTREDGE.

VICE-PRESIDENTS.

WILLIAM WATSON GOODWIN.

MARCUS PERRIN KNOWLTON.

RECORDING SECRETARY.

HENRY WINCHESTER CUNNINGHAM.

CORRESPONDING SECRETARY.

JOHN NOBLE.

TREASURER.

HENRY HERBERT EDES.

REGISTRAR.

FREDERICK LEWIS GAY.

MEMBER OF THE COUNCIL FOR THREE YEARS.

JOHN LATHROP.

On the recommendation of the Council, it was unanimously —

*Voted*, That the Society gratefully accepts the bequest of Three thousand dollars received from the Executor of the will of Robert Charles Winthrop, the younger of that name; that it be added to the permanent Publication Funds; and that it be forever called the Robert Charles Winthrop, Junior, Fund, the income only of which shall be used.

The name of the Rev. JAMES EELLS was transferred from the Roll of Resident Members to that of Corresponding Members, since he has removed his permanent residence from Massachusetts to Tarrytown, New York.

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After the Meeting was dissolved, dinner was served. The guests of the Society were the Rev. Drs. Edward Everett Hale,

George Foot Moore, and James De Normandie, Colonel Thomas Wentworth Higginson, Dr. James B. Ayer, Professor Edward Channing, and Messrs. St. Clair Baddeley of Gloucestershire, England, James W. Brooks, James F. Hunnewell, and George A. Plimpton. President KITTREDGE presided.

## DECEMBER MEETING, 1905.

A STATED MEETING of the Society was held at No. 25 Beacon Street, Boston, on Thursday, 28 December, 1905, at three o'clock in the afternoon, the President, GEORGE LYMAN KITTREDGE, LL.D., in the chair.

The Records of the Annual Meeting in November were read and approved.

Mr. HORACE E. WARE read the following paper :

WAS THE GOVERNMENT OF THE MASSACHUSETTS BAY  
COLONY A THEOCRACY?

When I began the preparation of this paper, I contemplated giving a brief account of the courts which have in Massachusetts exercised authority over matters of probate. I also intended to show that while in England, at the time of the settlement of Massachusetts, such matters were for the most part under ecclesiastical jurisdiction, they were here placed and kept in the civil courts. I then purposed recalling that certain other functions of a public nature, which in England were exercised under ecclesiastical authority, were here from the beginning exercised by the civil courts or civil officers. But in the course of my investigation I came upon certain matters of record and otherwise, the consideration of which moved me to the conclusion that under the government of the Bay Colony and subsequently under that of the Province, ministers, churches, and ecclesiastical matters in general, including even theological questions, were made subject to the authority of the legislative, executive, and judicial bodies and officers to a far greater extent than is generally supposed. The matters historical and of record to which I refer I consider of so much importance that I have ventured to include them in this paper for your consideration. I shall begin with an account in

brief of matters of probate on the lines above indicated, and then proceed to consider the extent of the civil authority and of the ecclesiastical authority in their relations with each other.

Though the Massachusetts Bay Colony was nominally established and carried on under the Royal Charter to the Governor and Company of the Massachusetts Bay in New England, it exercised in its internal government practically all the unrestricted functions of an independent state up to the time of the measures of supervision taken under the authority of Charles II. The men of the Colony were not at all reluctant to assume these extensive powers; but even if their inclination had been otherwise, the necessity of the case admitted of no alternative. Whatever residuum of authority may have remained in the English government after the granting of the Charter, down to the measures of supervision referred to, neither the King, the Lord Protector, nor the Parliament sent any officers hither, or did anything else during that period in the way of its exercise; so the natural and necessary course of self-government was pursued without interference.

The General Court, being vested under the Charter with the most important of the functions of the Corporation, became, as would naturally be supposed, the supreme authoritative body in the government of the Colony, as well as of the Corporation as such. In the beginning, the General Court and the Assistants administered the affairs of the Colony in considerable detail; but as these affairs multiplied divers subjects were delegated to other bodies or to officials.

For some years immediately after the settlement, authority over matters of probate was exercised by the Court of Assistants;<sup>1</sup> but from the tenor of a law passed 17 October, 1649, I assume that such authority was thereafter exercised by the County Courts, though it had been exercised by the courts at Ipswich and Salem for a few years previously. The probate jurisdiction of the County Courts continued as long as the Colony Charter was in force.<sup>2</sup>

<sup>1</sup> See Records of the Court of Assistants, Index, under "Will."

<sup>2</sup> As far as time has been available for investigation, the development of the County Courts and of their jurisdiction over matters of probate appears to have been as follows, — all references being to the Massachusetts Colony Records.

1635-36, March 3. A law was passed establishing four courts to be kept

In the Plymouth Colony the probate of wills and the settlement of the estates of deceased persons were assumed by the Governor

every quarter, the first at Ipswich, to which Newbury should belong; the second at Salem, to which Saugus should belong; the third at Newtowne, to which Charlestown, Concord, Medford, and Watertown should belong; and the fourth at Boston, to which Roxbury, Dorchester, Weymouth, and Hingham should belong. Each court was composed of at least one magistrate with such associates as were chosen by the General Court from persons nominated by the several towns, so that there should be five members in all. These courts had civil jurisdiction up to ten pounds, and criminal jurisdiction not exceeding life, member, or banishment (i. 169). On 25 May, 1636, it was provided that three members of any of these courts, one at least being a magistrate, should constitute a quorum (i. 175).

1639, September 9. It was enacted that records be kept of all wills, administrations, and inventories; also of marriages, births, and deaths. At the same Court "Mr Steven Winthroe was chosen to record things" (i. 276).

1641, June 2. The Courts at Ipswich and Salem were given the same power both in civil and criminal cases as was exercised by the Court of Assistants at Boston, except as to trials for life, limb, or banishment (i. 325). Thenceforth the Courts at Ipswich and Salem exercised probate jurisdiction within their respective territories.

1643, May 10. The whole plantation within the jurisdiction was divided into four shires, to wit:

Essex: Salem, Lynn, Enon [Wenham], Ipswich, Rowley, Newbury, Gloucester, Cochichawick [Andover].

Middlesex: Charlestown, Cambridge, Watertown, Sudbury, Concord, Woburn, Medford, Lynn Village, Reading.

Suffolk: Boston, Roxbury, Dorchester, Dedham, Braintree, Weymouth, Hingham, Nantasket.

Norfolk: Salisbury, Hampton, Haverhill, Exeter, Dover, Strawberry Bank (ii. 38).

After this act, at first seldom but later more often, the courts created by the act of 3 March, 1635-36, are referred to in the statutes as the County Courts. In this way they acquired that name, as there does not appear to have been any statute specifically bestowing it upon them.

1647, November 11. A law providing for the preservation of records, wills, births, etc., ordered that by direction of the Auditor General "a strong presse [be] made of very firme oake planks . . . about 6 foote high, 5 foote long, [and] 3 foote broad . . . w<sup>th</sup> 3 strong locks." The Governor was to have one key, the Secretary one, and the Recorder one. It was further ordered that wherever any court of record was kept, some like provision be made by direction of the judge or president or elder judge of said court, with two locks, one key to remain in the hands of the elder judge of said court, the other in the hands of the secretary or recorder there (ii. 208). I am informed by Mr. Walter K. Watkins that at the time of this statute a similar practice in regard to the keeping



and Assistants, and were exercised by them for practically the whole period from the settlement down to the Administration of Andros.

I now invite your attention to a proceeding which shows the talent for constructive legislation possessed by the representative men of the Colonies.

At a meeting of the Commissioners of the four United Colonies of New England, held in September, 1648, a provision of law for the more speedy and free passage of justice was recommended to the four General Courts, to the effect that a will duly proved in, and certified from, any one Colony should without delay be allowed

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by the incumbent and two churchwardens of the keys of the presses in which parish records were kept had for about a century prevailed in England. This statute is cited as being of incidental interest.

1647-48, March. The magistrates were authorized to choose gentlemen of worth as their associates for keeping a court in the County of Norfolk (ii. 226).

1649, May 2. A law providing that the Court of Assistants should take cognizance of no case triable in any County Court, unless by way of appeal; and that no debt or action proper to the cognizance of any one magistrate, or of any three commissioners for trial of cases under forty shillings, should be entertained by any County Court or Court of Assistants but by appeal from such magistrate or commissioner as aforesaid (ii. 279).

1649, May 2. A law that where any husband died intestate the County Court was empowered to assign to the widow such part of his personal estate as it should conceive just and equal; and to assign to the children or other heirs their several portions (ii. 281).

1649, October 17. A law providing that if any executor shall not at the next Court of the County which shall be about thirty days after the decease of the party make probate of his will, or shall not cause the same to be recorded by the recorder of the county where deceased dwelt or shall not within the same time take administration, if none had been already granted, of such goods as he had meddled with of anyone deceased, *etc.*, every such person shall be bound to pay all such debts as the deceased party owed; with forfeit also to the Commonwealth proportioned to the delay in proving the will or taking of administration. There is further provision that the Court of the County shall take such action as it deems meet in case executorship is renounced or administration is not applied for (ii. 287).

This last statute evidently invested the County Courts with all such power to prove wills and grant administrations as they may not already have possessed. It would appear that thereafter the Court of Assistants had no original but only appellate jurisdiction of these matters. See the statute of 2 May, 1649, cited above.

in the rest of the Colonies; also that administrations granted in certain cases in any Colony should be recognized in the other Colonies.<sup>1</sup> The Massachusetts Colony assented to the recommendation with the proviso that the rest of the Colonies likewise assented.<sup>2</sup> The Connecticut Colony assented with the same proviso as Massachusetts.<sup>3</sup> I have not been able to find from their records that the Plymouth or New Haven Colonies assented to the recommendation. The Commissioners of the Colonies had previously recommended that every verdict or sentence of any court within the Colonies should be recognized in the manner prescribed in any other court through the Colonies.<sup>4</sup> This recommendation was assented to by the Connecticut Colony,<sup>5</sup> but I cannot find that it was assented to by any of the other Colonies. The legislation so recommended by the Commissioners was perhaps suggestive of the provisions of Section 1, Article IV., of the Federal Constitution, providing that full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State, and of the statutes of this and other States providing for the allowance of wills and the granting of ancillary administration upon the record evidence of original action having been taken in other jurisdictions.

I have given in outline the governmental machinery of the Colony for the allowance of wills and the administration of estates. You will notice that the courts and their officers exercising probate functions were altogether like our Probate Courts and officers to-day in this, that the several courts were convenient to the people of the district over which they had jurisdiction, and that their officers were men taken from among the people. But the mere statement that the Colonists thus early established courts for administering the settlement of estates, — in their essentials such as we see them to-day, — of and by itself, conveys little significance except on reflection. To all brought up in familiarity with the

<sup>1</sup> Acts of the Commissioners of the United Colonies, i. (Plymouth Colony Records, ix.) 137.

<sup>2</sup> Massachusetts Colony Records, iii. 164, under date of 14 May, 1649.

<sup>3</sup> Colonial Records of Connecticut, i. 179, under date of 14 March, 1648-49.

<sup>4</sup> Acts of the Commissioners of the United Colonies, i. (Plymouth Colony Records, ix.) 24, under date of September, 1644.

<sup>5</sup> Colonial Records of Connecticut, i. 113, under date of 25 October, 1644.

beneficent workings of our Courts of Probate, it seems self-evident that their duties should be performed by 'unassuming, practical men, who are close to the people. But by considering how for the most part this function of the government was being exercised in England, we shall see that the Colonists directed its operation upon lines very different from those with which most of them had had acquaintance before coming hither. We shall thus realize the bold originality of their course in this matter,—one of the many instances going to show their ability for self-government.

In England at the time of the settlement of Massachusetts, though jurisdiction over wills and estates was in certain of the Courts Baron, in the Court of Hustings in London, and perhaps in some other special courts, the great preponderance of that jurisdiction was, and for a long period had been, exercised by the Ecclesiastical Courts, the Ordinary being the chief functionary in regard to those matters.<sup>1</sup>

—The following from Blackstone's Commentaries (delivered in 1753-1766), tells how the probate of wills and administrations of estates came to be placed under the jurisdiction of the clergy :

In case a person made no disposition of such of his goods as were testable, whether that were only part or the whole of them, he was, and is, said to die intestate ; and in such cases it is said, that by the old law the King was entitled to seize upon his goods, as the *parens patriae*, and general trustee of the kingdom. This prerogative the king continued to exercise for some time by his own ministers of justice, and probably in the county court where matters of all kinds were determined ; and it was granted as a franchise to many lords of manors, and others, who have to this day a prescriptive right to grant administration to their intestate tenants and suitors, in their own courts baron, and other courts, or to have their wills there proved, in case they made any disposition. Afterwards, the crown, in favour of the church, invested the prelates with this branch of the prerogative ; which was done, saith Perkins, because it was intended by the law, that spiritual men are of better conscience than laymen, and that they had more knowledge what things would conduce to the benefit of the soul of the deceased. The goods, therefore, of intestates were given to the ordinary by the crown ; and he might seize them, and keep them without wasting, and also might give, aliene, or sell them at his will, and dispose of the money in *pious usus* ; and, if he did otherwise, he broke the confidence which the law reposed in him. So that, properly, the whole interest and power which were granted to the ordinary, were only those of being the king's almoner within his diocese ; in trust to distribute the intestate's goods in charity to the poor, or in such superstitious uses as the mistaken zeal of the times had denominated pious. And, as he had thus the disposition of intestates' effects, the probate of wills of course followed : for it was thought just and natural, that the will of the deceased should be proved to the satisfaction of the prelate, whose right of distributing his chattels for the good of his soul was effectually superseded thereby.

The goods of the intestate being thus vested in the ordinary upon the most solemn and conscientious trust, the reverend prelates were, therefore, not accountable to any, but to God and themselves, for their conduct. . . . And to what length of iniquity this abuse was carried, most evidently appears from a gloss of Pope Innocent IV, written

This jurisdiction of the ecclesiastical courts continued until the Probate Act of 1857, 20 and 21 Victoria, Chapter LXXVII. That Act abolished the jurisdiction of the ecclesiastical courts to grant probate of wills and letters of administration, and established a new court called the Court of Probate to exercise that authority. You will observe that it was more than two centuries before this that the Colonists had shown the mother country the wisdom and expediency of such a proceeding.

Undoubtedly some of the Colonists were familiar with the jurisdiction of the Court of Hustings, and the other civil courts referred to, over the estates of deceased persons; but I doubt if such knowledge had much influence moving them to adopt the probate legislation described. The Colonists, if they chose, might have imitated the English custom and empowered members of the clergy to exercise probate functions. The pastors were men of learning, of ability, and of integrity. But such a course would have been utterly at variance with their purposes. All the functions of the government were placed under civil courts and officers. Such

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about the year 1250, wherein he lays it down for established canon law, that "*in Britannia tertia pars bonorum decedentium ab intestato in opus ecclesiae et pauperum dispensanda est.*" Thus, the popish clergy took to themselves (under the name of the church and poor) the whole residue of the deceased's estate; after the *partes rationabiles*, or two-thirds, of the wife and children were deducted; without paying even his lawful debts, or other charges thereon. For which reason it was enacted by the statute of Westm. 2, that the ordinary shall be bound to pay the debts of the intestate so far as his goods will extend, in the same manner that executors were bound in case the deceased had left a will: a use more truly pious, than any requiem, or mass for his soul. This was the first check given to that exorbitant power, which the law had intrusted with ordinaries. But, though they were now made liable to the creditors of the intestate for their just and lawful demands; yet the *residuum*, after the payment of debts, remained still in their hands, to be applied to whatever purposes the conscience of the ordinary should approve. The flagrant abuses of which power occasioned the legislature again to interpose, in order to prevent the ordinaries from keeping any longer the administration in their own hands, or those of their immediate dependents; and therefore the statute 31 Edw. III, c. 11 provides, that, in case of intestacy, the ordinary shall depute the nearest and most lawful friends of the deceased to administer his goods; which administrators are put upon the same footing, with regard to suits and to accounting, as executors appointed by will. This is the original of administrators, as they at present stand, who are only the officers of the ordinary, appointed by him in pursuance of this statute, which singles out the *next and most lawful friend* of the intestate; who is interpreted to be the *next of blood* that is under no legal disabilities. The statute of 21 Hen. VIII, c. 5, enlarges a little more the power of the ecclesiastical judge; and permits him to grant administration either to the widow, or the next of kin, or to both of them, at his own discretion; and where two or more persons are in the same degree of kindred, gives the ordinary his election to accept whichever he pleases. (Commentaries, Book ii., Chapter xxxii., Of Title by Testament and Administration.)

was the general policy of the Colony, as I shall attempt to show later; and the placing of probate matters in the civil courts was part of this policy.

The Charter of the Massachusetts Bay Colony was, it will be remembered, vacated in 1684. Charles II. died 6 February, 1684-85; and on 25 May, 1686, the President, Joseph Dudley, and the Council assumed the government of Massachusetts and certain of the neighboring territory under commission from James II. The people now had no voice in the determination as to what courts or officers should have authority in matters of probate or otherwise. Dudley appears to have shown some concern for the convenience of the public in the administration of affairs. But the malign authority of James II. was soon to be operative in full force. On 20 December, 1686, Sir Edmund Andros, the ideal satrap, with his Council entered upon the government. His title was "Governor in Chief in and over the Territory and Dominion of New England," an expression ominous to those who had had so much liberty under their Charter. Andros assumed supreme authority in matters of probate, and made them, as well as all other public proceedings capable of it, contributory to the spoils of office of himself and his adherents. He personally attended to the administration of estates exceeding fifty pounds, and the ordinary fee for the probate of wills was fifty shillings. In the case of larger estates the fees were greater. It is said that Andros did much to introduce a regular system of forms in probate proceedings.<sup>1</sup> Thus far, however, the people had done very well, for they had the remarkable faculty of accomplishing results without being tied down to forms and details in official proceedings. But if this man ever did any good thing in New England, let us give him full credit for it; for any account of the outrages committed by him during the short period of his career even now excites the indignation of the reader. For a statement of certain of them, including some relating to probate matters, I quote from Palfrey:

For the profit of the agents of the new government, the administration of justice was made oppressively expensive. An order went out that all public records of "the late governments now annexed under this dominion" should be brought to Boston, whither of course it

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<sup>1</sup> Washburn, *Sketches of the Judicial History of Massachusetts*, p. 95.

became necessary that they should be followed by whosoever needed to consult them. At Boston only could conclusive action be had on wills presented for probate; and a journey to that place was accordingly always liable to be required of widows and heirs. Another order made it necessary that all deeds, mortgages, and wills should be registered by Randolph and his deputies, who should be paid by fees. Excessive fees were demanded; and, in the uncertainty as to what amount of profit might be had from them by the Secretary, Randolph made an advantageous bargain by farming them out to one John West, whom he appointed to be his deputy, and who was also made Judge of the Inferior Court of the County of Suffolk.<sup>1</sup>

Imagine the widow or children of the deceased having to come, say from the Connecticut River, to Boston on a matter of probate merely to comply with some arbitrary rule or order! How different from probate proceedings under the Colony, when courts were in the neighborhood, and the men presiding over them had some sympathy and, perhaps, acquaintance with the families whose affairs they had under concern. Neither in England nor in New England could the iniquities perpetrated be endured, and the people of both countries soon rid themselves of both King and Governor.

In the Province Charter of 1691 it was ordained —

that the Governor of our said Province or Territory for the time being with the Councill or Assistants may doe, execute or performe all that is necessary for the Probate of Wills and Granting of Administrations for touching or concerning any Interest or Estate which any person or persons shall have within our said Province or Territory;

and it was under that provision that matters of probate were administered during the life of the Province. In the execution of the high authority thus conferred upon them the Governor and Council appointed Judges of Probate, so called, in the several counties. These Judges of Probate, however, were not independent officers like our Judges of Probate to-day. They were men designated by the Governor and Council to perform the functions which the latter had delegated to them. They acted, in a way, as agents of the Governor and Council. The Governor and Council exercised supervision over their acts through proceedings

<sup>1</sup> History of New England, iii. 522.

by appeal or otherwise. While not themselves subject to legislative authority, their offices or courts were recognized in divers legislative acts. Though the Governor and Council continued the supreme authority in probate matters, the great mass of the ministerial work, and perhaps of the original judicial work, was done, as it is now, by the Judges of Probate in the different counties. Each court had a seal.<sup>1</sup> The Governor and Council did not establish a seal for themselves in their capacity as a Court of Probate until 1760, when, consequent upon a message or communication from Governor Pownall,<sup>2</sup> a seal was adopted. It was then also further ordered that probate proceedings be entered in a book<sup>3</sup> provided for that purpose; the object of the order appearing to be to keep the record of their acts in probate separate from those in their other functions. I have no evidence of any definite complaint that the proceedings before the courts in the different counties, or before the Governor and Council sitting as what may be called a supreme court of probate, were expensive or burdensome, or had other objectionable features. But the Governor, who was of course the person of greatest authority, was neither elected by the people, nor appointed by a man of their election. Though the statement made by Chief-Justice Parsons,<sup>4</sup> that the legislature had passed an act creating probate courts and that this act was negatived by the King, would seem to be erroneous, yet there may have been refusals of requests on the part of the people for changes in the proceedings of the courts, or in the places of holding them, or for changes of officials, no accounts of which have come down to us. It is possible that such refusals may have constituted a minor one among those grievances which caused resistance to the Crown and the consequent independence.

That estates might be settled with the least possible trouble and expense was the concern of the framers of our State Constitution

<sup>1</sup> See Mr. A. C. Goodell's paper on the Seals of the Colonial and Provincial Courts of Justice in Massachusetts, in 1 Proceedings of the Massachusetts Historical Society, xx. 157-170.

<sup>2</sup> This message may be found in Quincy's Massachusetts Reports, Appendix iii. p. 573.

<sup>3</sup> This volume, lettered Probate Records, 1761-1784, is in the office of the Secretary of the Commonwealth.

<sup>4</sup> Wales v. Willard, 2 Massachusetts Reports, 119-123.

of 1780; and in Part Second, Article IV., Chapter III., of that instrument it was provided that the Judges of probate of wills and for granting letters of administration should hold their courts at such place or places, on fixed days, as the convenience of the people should require; the Legislature to appoint such times and places; and that until such appointments the courts should be holden at the times and places which the respective Judges should direct. This evident care that the people should have the best facilities in the settlement of estates perhaps justifies us in the suspicion above intimated that the convenience of the public may not have been duly regarded in matters of probate under the Provincial government.

In Article V. it was provided that all appeals from the Judges of Probate should be heard and determined by the Governor and Council until the Legislature should make other provision. The Governor and Council were thus temporarily to exercise supervision over the Judges of Probate in much the same manner as had been done under the Province Charter.

Under Chapter XLVI. of the Acts of 1783, passed 12 March, 1784, Probate Courts were established in the several counties and the Supreme Judicial Court was made the Supreme Court of Probate. By Chapter XCIII. of the Acts of 1858 as re-enacted in the Revised Laws, Chapter CLXII., the Judge of Probate and Insolvency for each county is the Judge of the Probate Court of such county. Though there have been divers statutes passed since the Act of 1784 regarding the Probate Court, giving it additional duties, *etc.*, the functions of the Court, so far as they affect the probate of wills and the granting of administrations, have been essentially the same from 1784 to the present time.

At last then in 1784, and after the recognition of the Nation's independence by Great Britain, the people of this Commonwealth established a Probate Court to their liking. It is well known what a success the administration of that Court has been. Almost uninterruptedly its beneficent work is done in quiet and without ostentation. Its proceedings are for the most part administrative rather than judicial, and are had in different parts of the several counties at places most convenient for the people. Its Judges are possessed of practical knowledge of the affairs of men, are dignified without pretension, and have at heart the best interests of all



those whose affairs are under their direction. Millions' worth of property is annually distributed and accounted for under their supervision. The great body of what may be called the business procedure of the Court is conducted with such simplicity of method, at such a minimum expense, and with such effectiveness and despatch, that it seems impossible that anything could be contrived in the way of improvement. It behooves us to bear in mind that that Court is the full fruition of the action taken by the men of the Colony regarding the proving of wills and the administration of estates. How seldom, in regard to the many and various measures they took for the conduct of public affairs, those men failed to strike true at the very first!

I have shown that the supervision of the disposition of estates, which in England was for the most part under ecclesiastical jurisdiction, was by the Massachusetts Colonists given to the civil courts. But several other matters which, in the mother country, were under ecclesiastical authority, or done in an ecclesiastical way, here came under the authority of the State, or were free of ecclesiastical procedure, such as :

The various matters arising out of the marital relation, such as divorce, *etc.* ;

The marriage contract itself, which was treated as a civil act and was entered into before a magistrate ;<sup>1</sup>

The records of births, marriages and deaths ;

The superintendence of cemeteries ;

Burials, which were without prayers or other religious ceremonies ;<sup>2</sup>

Neither Christmas nor any other church holiday was ever observed ; while all days for Thanksgiving and Fast were appointed by civil authority.

It may be added that —

A clergyman's status only continued such while he was minister of a church ;<sup>3</sup>

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<sup>1</sup> See Publications of this Society, vii. 285 and *note* ; Memorial History of Boston, i. 519 *note* 2 ; Winthrop, History of New England (1853), ii. 382.

<sup>2</sup> T. Lechford, Plain Dealing, p. 39 ; Memorial History of Boston, i. 518, 519.

<sup>3</sup> Palfrey, History of New England, ii. 39.

Ministers were not allowed to hold legislative or other important civil offices.<sup>1</sup>

Yet it has been said by some historians and others that the Colony was under a theocratic government; also that the clergy were all-powerful in the government.

In considering the first of the above assertions it would, if possible, be well to have an exact definition of the word "theocracy," as applicable to all sorts of varying conditions; but as the attempt to agree upon such a definition might of itself be productive of elaborate discussion, I submit a few matters for consideration, which go to show, as I think, why the assertions referred to should not be accepted.

I assume all will agree that the government of Massachusetts has absolutely nothing theocratic in it to-day. Now if the government of this Commonwealth ever was theocratic, when, I ask, did it cease to be such? It would seem that there could not have been so great a change without some conspicuous upheaval or commotion in the body politic. Again, in a theocracy more or less of the functions of government, — I mean the functions necessary or essential to its governmental machinery and to its integrity as a government, — must be performed in a theocratic way — that is, by the clergy or men exercising such functions. When any such function is changed from theocratic to civil, a new class of men or a new civil department must be substituted for the theocratic. For instance, in England, as I have shown, matters of probate were formerly administered under ecclesiastical authority but were later placed under civil authority, — a court of probate was substituted for an ecclesiastical court. When, I ask, since the Colony Charter came to these shores, has a theocratic or ecclesiastical function, department, or official of the government been abolished or removed, and a civil department, function, or official substituted, whether by statute or otherwise? I know of not one. I do not profess to be conversant with all the incidents of Massachusetts history, but if there had been such a change, I think it would now be generally known.

But it may be adduced in support of the theocratic theory that

<sup>1</sup> C. W. Upham, Records of Massachusetts under its First Charter, in Early History of Massachusetts (1869), p. 250, published by the Massachusetts Historical Society; Palfrey, History of New England, i. 384.

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definition  
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none but church members were allowed to become freemen of the Colony. Does it follow, I ask, that because all the voters of a state belong to a certain denomination, that state is a theocracy? If they were all Christians, but of various denominations, what would the state be then?<sup>1</sup>

In connection with the first of these questions I think it material to inquire as to the cause or occasion of a provision of law limiting the voters to members of the Colony churches.

Confront yourselves for a moment with conditions affecting our Government like this: Suppose we were threatened with the immigration of people of some religious denomination who had been having their matters of probate directed by ecclesiastical authority, and who, we thought, were going to insist upon having all probate matters subjected to the control of ecclesiastics here. Further, that these ecclesiastics were to be of a denomination different from any of ours. Should we hesitate to make use of the most effective means to prevent the adoption of a measure so un-American? The Colonists had a continual fear of this kind before them; only it involved many more matters than those of probate. That this fear was well founded is shown by the Commission for the regulation of the government of the Colonies issued by Charles I. in 1634, which happily never became operative over Massachusetts.<sup>2</sup>

<sup>1</sup> The Massachusetts Province Charter granted by William and Mary provided that there should be a liberty of conscience allowed in the worship of God to all Christians ("Except Papists") inhabiting or which should inhabit or be resident within the province. Was it ever held that the King and Queen established a theocracy by this Charter?

<sup>2</sup> This Commission may be found in Hubbard's History of New England (1815), p. 264; and also, in Latin, in E. Hazard's Historical Collections (1792), i. 344. It is directed to the Archbishop of Canterbury and ten others, and gives to them, or any five or more of them, power of protection and government over English Colonies then planted, or thereafter to be planted; also power to make laws and constitutions concerning either the state public of the Colonies, "or utility of private persons, and their lands, goods, debts, and succession," for the relief and support of the clergy, *etc.*, and for consigning maintenance unto them by tithes, oblations, and other profits according to their good discretion, with the advice of two or three of the bishops they may advise with touching matters ecclesiastical; also power to remove all governors of Colonies for cause, and to appoint others; to ordain judges and officers for courts ecclesiastical, and to establish courts of justice, both ecclesiastical and civil. Authority was

Grounds for the Colonists' fear that they might lose control of the probate as well as all other functions of government, are also shown by the proceedings of Andros. Under these proceedings the structure of government, reared through so many years of toil and self-sacrifice, was ruthlessly cast down, — even the titles to real estate were called in question. Why lay the limited suffrage law of the Colony entirely to sectarianism and narrow-mindedness in religion, when the purpose of self-preservation in its adoption is evident? A limitation of suffrage is one thing, a theocratic government is another.

In addition, it may be said that every one, of whatever denomination, was taxed to support the Congregational churches, and was compelled to attend church on Sunday. If the first of these features constitutes a theocracy, then every country at that time having an established church was a theocracy. I doubt if any one would advance so questionable a proposition. As for compulsory attendance at church, that is in the nature of a police regulation. We shall, I think, all agree that it was a wholesome requirement in the early days of the Colony, when there was neither work nor recreation to take up peoples' attention on the Lord's Day. Compulsory attendance at church did not make a person who attended a member of a church, or identify him with its faith.

Let us now consider the statement so often made that the clergy exercised great and undue influence in public matters.

During the Colonial and Provincial periods it was natural and proper that the opinions of learned men, teachers of morality and religion, and chosen by the churches to be their ministers, should have weight in the community. Their opinions were at times asked on important matters by the public authorities, — sometimes perhaps they were allowed at their own request to present their views. They were on committees which drafted or assisted in drafting the Body of Liberties, and they undoubtedly assisted in drafting other laws; but all such laws were enacted by a regular legislative body. At times the ministers may have passed upon

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also given to take measures in certain contingencies looking to the revocation of any of the Letters Patent granted by the King or his predecessor. The laws, *etc.*, however, were not to be put in execution until Royal assent had been obtained.

the qualifications of schoolmasters. But the clergy in the Colony never, so far as I have read, exercised direct authority over civil matters, either by law or by custom. On the contrary, we find a long course of legislation and series of precedents, both in the Colony and in the Province, the effect of which was to make both the clergy and the churches subservient to the civil authority.

In this connection let me call your attention to certain proceedings relative to the proposed settlement of a minister over the First Church and Parish in Springfield in 1735. The incident is full of significance. The First Church and Parish in Springfield had made choice of the Rev. Robert Breck as their minister and Mr. Breck had accepted. They then called a council of churches to ordain the minister they had chosen; but reports having been spread in Connecticut that Mr. Breck was not of sound orthodox principles, the council convened in Springfield were making inquiry therein when the proceedings were interrupted by the arrest of Mr. Breck on a warrant issued by three "Justices of the peace," based on the complaint of some of the First Church and First Precinct of Springfield. On this warrant Mr. Breck was taken before the justices and examined touching the matters (which were points of doctrine and faith) that the council "were then actually in the hearing of." The justices evidently were not satisfied with Mr. Breck's doctrinal principles, for they issued another warrant on which they sent him into Connecticut and caused him to be bound over to the County Court of Windham. The Springfield Church went to the Legislature with their grievance. The House concluded that, though the Justices had by law authority to inquire into facts, they ought not to have interrupted the ecclesiastical council.<sup>1</sup>

Considering the oft-repeated assertion of the potent authority exercised by the clergy in early Massachusetts history, this whole proceeding seems somewhat surprising. It involves the implication that judges of the courts could examine into and decide matters of religious creed and doctrine, and in any given case could decide whether or not a man whose orthodoxy was questioned should be settled over a church. Let us examine some of the laws then existing regarding these matters.

<sup>1</sup> Washburn, *Sketches of the Judicial History of Massachusetts*, pp. 192, 193; Mason A. Green, *History of Springfield*, pp. 228-258; *Massachusetts House Journals*, 1735, pp. 101-172.

By Chapter XXVI. of the Province Laws of 1692-93, as amended by Chapter XLVI. of 1692-93, it was provided that each town or place should have a learned and orthodox minister; and that in case of neglect the Court of Quarter Sessions of the Peace was empowered to fine the selectmen or other persons responsible for such neglect.

By Chapter IX. of 1706-07, the Justices of the Court of General Sessions of the Peace, at the opening of their Court from time to time, were specially to charge the grand jury to make inquiry and presentment of all towns, *etc.*, that were destitute of, or did not support, their ministers. Upon such presentment, the Court was directed to put the laws in execution for redressing all neglects of that kind, and to make necessary orders, *etc.*, and if such orders were not observed, or were eluded, to make report to the General Court. Upon such report to the General Court, the latter was to take care to send a learned orthodox minister to such town, and might add the expense to the public taxes upon such town.

Chapter XVII. of 1715-16 is similar to Chapter IX. of 1706-07, except that the minister provided by the General Court was to be first recommended by three or more settled ordained ministers.

You will notice that the provisions I have read involve authorization of decisions on matters of theological doctrine on the part of the Justices and the General Court.

Let us go back to the time of the Colony. A law passed 19 May, 1658, provided that no person should preach or be ordained to the office of teaching elder, where any two churches, council of state, or General Court declared their dissatisfaction thereat, either in reference to doctrine or practice, "until the offence be orderly removed."<sup>1</sup> The provision shows that the General Court could veto such ordination. A law passed 30 May, 1660, enacted that the County Courts do attend the execution of such orders of the General Court as concern the maintenance of the ministry and the purging of their towns and peculiars from such ministry and preachers as shall be found vicious in their lives, or perniciously heterodox in their doctrines; and for all places destitute of an able and faithful ministry that they use their best endeavor for the procuring and settling of such faithful laborers, *etc.*; also, that

<sup>1</sup> Massachusetts Colony Records, iv. i. 328.



the president of each County Court should from time to time give it in charge to the grand juries to present all abuses and neglects of this kind and that the same be redressed, *etc.*<sup>1</sup>

I will now ask your attention to some of the provisions of the Body of Liberties.

This collection of laws and fundamental principles of the government of the Colony was, after a long period of deliberation, as you remember, finally adopted in 1641. Provision was made therein that they should be read at every General Court held within three years after their adoption, and that such of them as were not altered or repealed should stand ratified.

Article LVIII., which is the first of the sections under the division entitled "Liberties more peculiarie concerning the free men," reads as follows: "Civill Authoritie hath power and libertie to see the peace, ordinances and Rules of Christ observed in every church according to his word, so it be done in a Civill and not in an ecclesiastical way." Notice the full force of this language. Not only were the civil officers to see that church proceedings were according to the right doctrines, but in any case in court, for instance, under this law, the rules and practice of the Colony courts relating to pleading, evidence, the weight of precedents and otherwise, and the principles of law laid down by those courts, and not those in use or laid down by ecclesiastical bodies or authorities, were to apply.

I quote Section 3 of Article XCV., which latter is entitled "A declaration of the Liberties the Lord Jesus hath given to the Churches: "

Every Church hath free libertie of Election and ordination of all their officers from time to time, provided they be able, pious and orthodox.

Taking the proviso that the church officers be able, pious and orthodox, in Section 3 of Article XCV., in connection with Article LVIII., we see how, as in the case of Mr. Breck, the courts had had authority from the beginning to supervise church proceedings as to matters of doctrine.

Section 7 of Article XCV. declares that the elders of churches have free liberty to meet monthly, quarterly, or otherwise, in con-

<sup>1</sup> Massachusetts Colony Records, iv. i. 417.

venient numbers and places, for conferences and consultations about Christian and church questions and occasions. But observe that they are not authorized to decide questions. The section implies a doubt whether the elders would have the right to meet, were it not for a special provision to that effect.

Section 11 of Article XCV. is important. It is as follows :

For the preventing and removeing of errour and offence that may grow and spread in any of the Churches in this Jurisdiction. And for the preserving of trueith and peace in the severall churches within themselves, and for the maintenance and exercise of brotherly communion, amongst all the churches in the Countrie, It is allowed and ratified, by the authoritie of this Generall Court as a lawfull libertie of the Churches of Christ. That once in every month of the yeare (when the season will beare it) It shall be lawfull for the minesters and Elders, of the Churches neere adjoyneing together, with any other of the breetheren with the consent of the churches to assemble by course in each severall Church one after an other. To the intent after the preaching of the word by such a minister as shall be requested thereto by the Elders of the church where the Assembly is held, The rest of the day may be spent in publique Christian Conference about the discussing and resolveing of any such doubts and cases of conscience concerning matter of doctrine or worship or government of the church as shall be propounded by any of the Breetheren of that church, with leave also to any other Brother to propound his objections or answers for further satisfaction according to the word of god. Provided that the whole action be guided and moderated by the Elders of the Church where the Assemblie is helde, or by such others as they shall appoint. And that no thing be concluded and imposed by way of Authoritie from one or more Churches upon an other, but onely by way of Brotherly conference and consultations. That the trueth may be searched out to the satisfying of every man's conscience in the sight of god according to his worde. And because such an Assembly and the worke their of can not be duely attended to if other lectures be held in the same weeke. It is therefore agreed with the consent of the Churches. That in that weeke when such an Assembly is held, All the lectures in all the neighbouring Churches for that weeke shall be forborne. That so the publique service of Christ in this more solemne Assembly may be transacted with greater deligence and attention.

The Colonists, intense as they were in their religious beliefs, did not want the clergy, even of their own churches, to become a mas-

terful hierarchy. To prevent such a result, to secure to the separate churches the greatest possible independence and at the same time to keep all the churches and church members in accord on matters of doctrine and faith, and to have the Church in its entirety just what the people wanted, it is doubtful if a more consummate scheme could be devised than that which, upon examination, we find in the Body of Liberties. The assemblies provided for in Section 11 were of representatives, not from all the churches, but from those near adjoining together. The proceedings were to be guided and moderated by the elders of the church where the particular assembly was held, or by persons of their appointment. All the churches throughout the Colony were prohibited from organizing and acting as a united body. Such is the inevitable inference from the various provisions of the Body of Liberties. The churches were not to impose anything upon any one of them. Any attention needed to keep any church in the straight path was, as we have seen, to be given by civil authority. The assemblies, while admirable for obtaining the sense of the ministers and of the active lay members on matters of doctrine, had no authority to prescribe in relation thereto. There was probably a considerable liberty allowed in discussion, provided decorum was observed and nothing was said derogatory to public authority. The Church was to be kept fragmentary; the unity of purpose and control was to be in the law-making body.

Certain writers have remarked that the Body of Liberties and the other laws of the Massachusetts Colony were founded upon the precepts of the Old Testament, especially on the laws of Moses. The several capital laws in the Liberties (Article XCIV.) cite authorities from the Old Testament in their margins for the punishments prescribed. I submit for your consideration the question whether the views of these writers have not been distorted from having given too great weight to these capital laws, to the extreme views on religion and doctrine in the writings of some of the clergy of the Colonial period, and to the allegations of certain authors of the same period. The great substance of the Body of Liberties and of the Colony laws breathes far more of the spirit of the Bill of Rights and of the Constitutions of our State and Nation than it does of the spirit of the Mosaic law. Were it the contrary, then the founders of a State whose institutions have long

been the admiration of the civilized world were mere imitators. And it is, moreover, incumbent upon those who assert that the Body of Liberties was derived from the laws of Moses to show how such a decided change in racial characteristics occurred during the passing of three or four generations of men between the law-makers of the Colony and their descendants, the framers of our Constitutions.

While there were probably few who desired that the clergy or the churches should be active participants in the actual government of the Colony, there were doubtless some among the law-makers who were opposed to their being made wholly subject to civil authority. In some places in the Liberties the language bears indication of compromises on expressions in this regard. But the passages I have quoted from the Liberties and from the Colony and Province statutes leave it clear that the government maintained its power to exercise paramount supervision in matters of doctrine and church administration.

You will observe from the laws which I have cited, that the civil government exercised authority over the churches in matters of doctrine and faith,—and this as well under the Province as under the Colony. The Province statutes cited were approved by the Royal Governor or Lieutenant-Governor, and were not disallowed by the Sovereign or the Privy Council when submitted as provided in the Charter. The Sovereigns of England or their representatives would surely not have become parties to such legislation if they had regarded it as theocratic.

It may perhaps be said that the civil government, though called by that name, was, from the way it exercised authority in religious and theological matters, in effect a theocracy. Such an assertion involves the strange anomaly of a theocracy of which clergymen or existing ecclesiastical bodies are not a constituent part, but from which they are carefully excluded.

An impression is abroad that the Colonists did not like lawyers and took measures, on occasion, to be rid of them. In the conduct of public affairs in the new course upon which they had ventured, the men of the Colony doubtless did not want to be hampered by subtleties and worn out technicalities brought over from the courts in Westminster Hall and elsewhere in England. But let us examine the Colony Charter and the Body of Liberties, recall the

rights and privileges the Colonists claimed under the Charter, and the care they took and the measures they adopted through a period of years to save it from forfeiture, and we shall see that somewhere in their service, perhaps in England as well as in New England, there were commanding legal intellects. While for the most part dealing with broad principles, these men were not deficient upon occasions in acuteness of perception, or subtlety of reasoning. At the same time it is possible that the leading men of the Colony were not averse to allowing the impression to prevail in England that there were few, or no, persons of preëminent legal acquirements engaged in the affairs of the Colony. They would probably have preferred that the Colonists should be considered as religious enthusiasts, proceeding without definite end or method, than to have attention drawn to the progressive legislation wherewith they were moulding the solid Commonwealth. In the former case interference from the English government would be much less likely. For the good of history, and that we might hold them in honor and reverence, it is to be wished that we could identify more definitely all who were the chief advisers or participants in the Colony's legislation of a general nature, in all the proceedings relating to the Charter and the Colony's rights thereunder, and in the various important matters from time to time affecting the policy of the Colony.

The action of the Colonists relating to matters of probate has, in the aspect in which we have regarded it, led to a consideration of the relation of the government of the Colony to subjects ecclesiastical and theological. We have had before us a course of legislation relating to those subjects, both in the Colony and in the Province; and it has, moreover, appeared that not only matters of probate, but certain other proceedings of a public character, which in England were under ecclesiastical control, were here placed under civil authority. Though I am aware that a vast amount has been published with the object of throwing light upon the character of the Colony and Province governments regarding religion, theology, and ecclesiastical matters in general, I yet venture to offer my own views as to the real nature and status of those governments and of the doings of the Colonists in this respect.

The men who came to Massachusetts from England had long been subjected to vexatious restrictions and persecutions. The

settlement of estates and certain other secular matters to which I have referred were under the control of a clergy with whose doctrines and discipline they were not in accord. They had no hope of seeing the administration of the church reformed, and the church services they desired to practise were not tolerated. But it was not alone in religious matters that they were harassed. They were desirous and capable of conducting great business and governmental enterprises, as history has shown. At home these expansive forces were restrained by long-time customs, laws, and traditions, by legal technicalities, and by royal interference and oppression. When they came hither their great object was to contrive means for the realization of their aspirations. And in this connection we should always bear in mind that the colonists had other matters to think of besides religion and theology. A system of governmental machinery was to be put in operation, a complicated affair under most favorable conditions; a wholly wild and unknown country was to be developed; coming generations were to be educated; courts were to be established; land must be parcelled out; agriculture was to be carried on upon an untried soil; homes were to be established; recurrent questions with the Indians were to be settled, and enterprises, commercial and manufacturing, were to be prosecuted. These were only some of the problems to be dealt with. One in our comfortable surroundings who reads only the sermons and doctrinal discussions of the Colonial period gets no conception of these vast and difficult secular undertakings. We experience a realizing sense of them, however, when we examine the laws of that period, and contemplate the multitude and magnitude of the things accomplished.

Considering that the colonists came from divers places in England, and must on the whole have had slight acquaintance with each other, we are struck with their unity of purpose. The great problem before them was to convert this unity of purpose into unity of action.

The vast number of things that demanded their immediate attention, — some of which I have mentioned, — together with their lack of experience, rendered it impracticable for them to establish a code of laws at the beginning. Matters ecclesiastical and civil were doubtless indiscriminately considered and acted upon both by the General Court and the Assistants, and the exigencies

attending each matter may frequently have been the most potent factor in any action regarding it. This exercise of somewhat arbitrary powers is of course not in accord with a republican form of government, and as a matter of fact the people soon demanded that a system of laws and a definite course of procedure in legislative and judicial matters be promulgated. The wise men of the Colony upon whom this work necessarily fell managed to postpone action for some years. Well might they hesitate in view of all the difficulties. The machinery of a government republican in its essence was to be set up, the relations of this government with an indefinite kind of church, itself republican in its administration, were to be defined, and the total result had to appear to be as far as possible within their rights under their Charter, so as to afford no pretext for its overthrow by those in England who were ever on the watch to accomplish that end. The various provisions of the proposed system received a great deal of consideration, and there were many postponements, but finally the Body of Liberties was enacted in 1641 as I have stated.

I have already called your attention to a course of legislation which I assume began with the Body of Liberties and under which it appears that it was the policy of both Colony and Province that the churches be subject to civil authority. Let us consider for a moment the course of reasoning which it seems to me must have preceded and led up to this legislation, and some of the consequences of the legislation itself.

In the circumstances in which the churches found themselves shortly after the settlement on Massachusetts Bay, two very different methods of administering them suggest themselves. The one was to have more or less of the clergy, and perhaps some of the laity, constituted into a central body to decide theological questions and to supervise the acts and proceedings of the several churches. The other was to give each church full authority to settle its own pastor and to act in all doctrinal matters, as well as in its prudential affairs, subject to very slight, if any, supervision or control. The former course was not in accordance with the principles of the Congregational or Independent churches. It would, moreover, have had a tendency to establish a hierarchy which would have been abhorrent to the Colonists. The second course

was in accord with the Congregational idea ; but had it been followed there would have been nothing to prevent any church from adopting heretical doctrines, from settling an unorthodox pastor, or from doing other things detrimental to the unity of the churches. What the Fathers actually did was to allow the churches to organize and to proceed on the Congregational scheme with the practice of having assemblies for consultation, deliberation, and advice, but they kept the final supervision and control of all doctrinal and ecclesiastical questions and questions of church organization in the government of the Colony.

While a religious organization or denomination, even of an hierarchical character, is liable to disintegration or secession, a working political government is not so liable. It is an entirety and must exist, if at all, as such. It was therefore in this most effective and practical manner that those men secured that unity of action on religious matters which was absolutely necessary, in view of the inflamed condition of men's minds everywhere on religious questions, to the establishment of New England institutions. The Public School and the Town Meeting never could have developed in the embroilment of fierce religious discussion and dissension.

The subjection of ecclesiastical and doctrinal matters to the final action of the government meant that the decision of such questions, as of all other governmental questions, rested with the majority, and this implied acquiescence by the minority as well. This acquiescence by the minority seems to be one of the marked features of the New England governments. Great must have been the bitterness and many the heart-burnings which accompanied such acquiescence during the history of the Massachusetts and Plymouth Colonies. In a few instances we have direct evidence that this was the fact. But on the whole the suffering from this cause must have been borne in silence by those men, one of the prominent features of whose creed was the exercise of self-control, and who in practice were ready both to act and to endure for the good of the Commonwealth.

On the other hand, I think we have a good deal of evidence that those in the majority from time to time generally allowed a considerable period for deliberation before final action, especially in



church matters. Great pains appear to have been almost always taken to reason with those who advocated heretical doctrines, and to try to show them their errors before resort was had to heroic measures.

In the course of its proceedings in religious matters, the civil government never appears to have prescribed or laid down any definite creeds or systems of doctrine; nor for that matter did the clergy or churches adopt any such comprehensive system. In view, also, of the provisions I have read from the Body of Liberties, it is clear that the churches could not have established a system of denominational theology without the consent of the General Court. It would undoubtedly have been almost impossible for either the churches or the Legislature to agree upon any such system. The chief function of both bodies, so far as concerned doctrine, was to decide whether the various views proclaimed from time to time, by individuals or groups of individuals, were heretical; and if so, to reason with their advocates and when necessary to take such action as would cause these questions to retire from public consideration. The elimination of such heretical doctrines may furnish some assistance in inferring what were the doctrines which were generally approved, but not formally adopted.

In the course of a few decades, as we have seen, the situation had developed into the supreme control by the Legislature of the churches, their organization, discipline, and doctrines. We have also seen that this was but one of a great number of subjects upon which the Legislature acted, and that its action and that of its courts was necessarily by civil, or parliamentary and judicial, and not by ecclesiastical methods. By way of emphasis upon this last statement, allow me again to call your attention to Chapter XXVI. of 1692-93. The title is both significant and instructive, — "An Act for the Settlement and Support of Ministers and Schoolmasters." Education and religion were treated in the same statute, and in the same way. After providing that every town shall have a minister, the act goes on to require that every town of fifty householders or upwards shall be constantly provided of a schoolmaster, and that every town of one hundred families or householders shall have a grammar school, *etc.*; and further that delinquent towns shall incur a penalty at the hands of the Justices in Quarter Sessions. You will notice the similarity of these provisions to

those I have before mentioned, in the same Chapter, requiring towns to have ministers.<sup>1</sup>

The statute illustrates how completely legislation regarding churches was of a civil character. But while in this statute the several provisions for the moral and intellectual uplifting of the community through the agency of the towns proceed upon parallel lines, observe that the subject of the ministers or churches and that of the schools are in no wise connected or dependent, either one with, or upon, the other. All that concerns schools might be stricken out, and the requirements or proceedings relating to ministers would remain unaffected; and *vice versa*. The subject of religion or of the churches was not in legislation interwoven or complicated with other subjects.

As I have said, there was no cast-iron creed or system of doctrines established so as to interfere with any change of policy regarding public requirements in the matter of religion, or to be done violence to in case of such change, nor was there any ecclesiastical organization to be dealt with in such contingency. Whether in the Colony, the Province, or under the Constitution, such changes might be made like those relating to other subjects. The power to change such requirements implies the power to modify and discontinue them; and, as you remember, they were materially modified in the State Constitution of 1780, and were practically abolished by the eleventh article of amendment to that instrument, adopted in 1833. The people had seen that the institutions of the Commonwealth were no longer threatened by men of religious beliefs different from their own. Men of the Commonwealth had stood side by side with men from Virginia professing the faith of the Church of England, and with men of other denominations, in the War for Independence. Because of these and other changes of conditions, the minds of great numbers were relieved from

<sup>1</sup> In regard to the subject of education, it is evident that the colonists provided for it not only because they wanted their children to read the Bible, not only for its advantages on general principles, but in addition because the republic they were establishing could not exist a day unless its officers and servants and those of its towns, had education sufficient for their duties. As pertinent to the subject of this paper, consider how absolutely essential it was that all persons administering matters of probate, or having duties regarding the same, should have at least such education as was given in the schools of the Colony.

the pressure of dangers, originally real, later imaginary. Public religious requirements were done away with; and the Commonwealth stood out in its fair proportions, without a scar or blemish to show what had been severed and put aside. What I wish to emphasize is that the change came through the exercise of the methods established by the Colonists themselves, and without violent consequences in the community. What scheme of church administration could have been devised under which the transition from the religious sentiment of the time of the Colony to the multitude of religions of the present day could have been accomplished with so little disturbance in the body politic?

In comparing the religious opinions of the present with those of the Colonial and Provincial periods, it behooves us to take into consideration the difference of the conditions and circumstances attending each. Now while we rejoice at the constitutional provision that all religious denominations are equally under the protection of the law, are we sure that the Colonists under the present conditions would not be very much like ourselves? Are we entirely certain that we ourselves, if deposited on this coast in the early seventeenth century, would not have been very much like them? In this connection I would say that however the Congregational denominations of to-day may differ from that of the Colony in matters of theology, they are much the same in the substantial of church organization and religious services. Upon brief consideration of this aptitude of their church organization for present conditions, we see and appreciate still another striking instance of the capacity of the Puritans for designing methods of coöperative effort to a common end.

It seems to me that one of the effective ways of studying special conditions in the Colony is by a careful consideration, in their order, of the changes which have taken place down to recent times. This I have endeavored to do, inadequately I fear, in the treatment of the subjects before us. I have also tried to call up for our consideration the fundamentals, rather than the incidentals, which successively belong to the entire period we have in mind. This course, you notice, has carried us through the Colony, the Province, and the State. The work of the War for Independence was so brilliant, and its results were so decisive and impressive, that the public vision is liable to be dimmed and confused as to

what went before. It lies in our minds, unless we stop to reflect, that the characteristics of the people changed upon the Declaration of Independence. But as a matter of fact the people of New England had laid down fundamental principles of law and schemes of government before the Revolution, although such principles and schemes did not go under the name of constitutions. In distinguishing matters of form from those of substance, the study of a course of legislation and the consideration of public proceedings regarding subjects of significant importance are, as I have in effect said, of vast assistance. The elaboration of such matters is not, indeed, apt to stimulate the imagination to a high degree of fervor; but it is not to be neglected if we would arrive at correct conclusions.

The more we examine the subject, the more we are impressed by the rapid and at the same time complete and comprehensive way in which the Fathers built up the government; by their ability to convert the wilderness to the uses of man; by their commercial enterprize both on land and sea; and finally by the clear conception they had of the objects from time to time in view, and by the talent they showed in taking and adopting the most practical and effective measures for their accomplishment. These qualities have surely been transmitted to their descendants; of that a great section across this Continent bears evidence, both physical and political. Is it not our duty, as well as our gratification, to endeavor to make the builders of the Commonwealth better known and more highly appreciated? Would it not be fitting that the Commonwealth should at its State House have a statue of at least one of the men through whose labors it came to exist? Every year brings hither hundreds of thousands of people from other lands. It is necessary that all our people should understand and value the institutions of both the State and the Nation. The existence of a universal veneration for the men who initiated those institutions will always be one of the most effective of the means for keeping the appreciation of those institutions in full vigor. Plain, unpretending men though they were, the Fathers yet possessed a thorough understanding of the fundamentals of self-government. Basing them upon those fundamentals, they developed systems of laws and of public proceedings, so practical in use and otherwise so perfectly adapted to the purposes for which they were con-

trived, that, down through the generations, they have bestowed unmeasured blessings upon all who have had experience of their operation.

Mr. ALBERT MATTHEWS exhibited, through the courtesy of Mr. Harold Murdock of Boston, its present owner, an autograph letter of John Adams to Governor William Plumer of New Hampshire, dated at Quincy 28 March, 1813, containing interesting remarks about the Declaration of Independence and the appointment of Washington to the command of the army in 1775.<sup>1</sup> Its allusion, at the close, to contemporary politics, reminded Mr. Matthews that in the political slang of the day, the sobriquet of "the Duke of Quincy" was sometimes applied to John Adams.

Mr. MATTHEWS also read a paper on the history, origin, propriety of application, and meaning of the term Pilgrim Fathers. A discussion followed, in which President KIT-TREDGE, the Rev. HENRY A. PARKER, and Messrs. WILLIAM T. PIPER and HORACE E. WARE participated.

Mr. HENRY W. CUNNINGHAM exhibited a copy of Peter Barclay's *A Persuasive to the People of Scotland*, In order to remove their Prejudice To the Book of Common Prayer, printed at London in 1713. The book was formerly the property of Sir William Pepperrell, and contains his autograph (1724) and his book-plate.

Dr. JAMES BOURNE AYER of Boston, Mr. JAMES WILLSON BROOKS of Petersham, Mr. THOMAS JEFFERSON COOLIDGE, Jr., of Manchester, and Mr. WILLIAM VAIL KELLEN of Boston, were elected Resident Members.

On behalf of Mr. LINDSAY SWIFT, Mr. HENRY H. EDES communicated a Memoir of SIGOURNEY BUTLER, which Mr. Swift had been requested to prepare for publication in the *Transactions*.

<sup>1</sup> The letter is printed in John Adams's Works, x. 35, 36.



*Signature*

*Address*





*Dissonney Butler*

*Engraved for The Colonial Society of Massachusetts  
from a portrait from life*





MEMOIR  
OF  
SIGOURNEY BUTLER, LL.B.  
BY  
LINDSAY SWIFT.

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SIGOURNEY BUTLER was in the ninth generation of descent from Mary Butler, who came to Boston about 1635<sup>1</sup> with her son by her first marriage, Stephen Butler, and her second husband Benjamin Ward, whose wife she had been since about 1621.<sup>2</sup> Stephen Butler, a soldier in King Philip's War,<sup>3</sup> was thrice married. By his first wife, Jane, he had six sons, the fifth of whom was James, born 2 August, 1665.<sup>4</sup> James Butler married Grace Newcomb,<sup>5</sup> daughter of Capt. Andrew Newcomb, mariner, and died about 1689.<sup>6</sup> The youngest of their four children was James Butler, born 21 August, 1688,<sup>7</sup> a rope-maker, who was married 6 April, 1710, by the Rev. Ebenezer Pemberton, then minister of the Old South Church in Boston, to Abigail Eustice.<sup>8</sup> She died 15 December, 1713;<sup>9</sup> and her husband, who subsequently married

<sup>1</sup> Boston Record Commissioners' Reports, ii. (Third edition), part i. 22; part ii. 26, 27, 107.

<sup>2</sup> *Ibid.*; Massachusetts Colony Records, iv. i. 338; Suffolk Probate Files, nos. 420, 460; New England Historical and Genealogical Register for 1864, xviii. 154, 156. Mrs. Ward's Petition to the General Court contains interesting domestic particulars.

<sup>3</sup> Bodge, *Soldiers in King Philip's War* (1896), pp. 154, 156.

<sup>4</sup> Boston Record Commissioners' Reports, ix. 95.

<sup>5</sup> *Genealogical Memoir of the Newcomb Family* (1874), pp. 13, 14.

<sup>6</sup> Suffolk Probate Files, no. 1692.

<sup>7</sup> Boston Record Commissioners' Reports, ix. 178.

<sup>8</sup> *Ibid.* xxviii. 26.

<sup>9</sup> Boston Town Records. See Suffolk Probate Files, no. 3685.

Mary Bowditch of Salem,<sup>1</sup> was buried 22 October, 1715,<sup>2</sup> leaving three children, the youngest of whom was James Butler, born 4 December, 1713.<sup>3</sup> James Butler, the third of that name, a goldsmith, married (1) 17 May, 1739,<sup>4</sup> Elizabeth Davie,<sup>5</sup> who died in giving birth to a child,—James Butler, 15 February, 1739–40;<sup>6</sup> and (2) 29 November, 1744, Sarah Wakefield,<sup>7</sup> who died within a year of her marriage.<sup>8</sup> Through affiliation with British officers in Boston, he became a Tory, and went to Halifax with the British troops in March, 1776, when the Siege of Boston was raised.<sup>9</sup> It is uncertain whether he returned to Massachusetts.<sup>10</sup> His son James Butler, fourth of that name, latter, entered the Boston Public Latin School with the Class of 1748,<sup>11</sup> and married in Boston 9 May, 1763,<sup>12</sup> Mary Sigourney.<sup>13</sup> The Boston Port Bill

<sup>1</sup> Boston Record Commissioners' Reports, xxviii. 94. Their intentions of marriage were entered 17 August, 1715.

<sup>2</sup> Boston Town Records.

<sup>3</sup> Boston Record Commissioners' Reports, xxiv. 89.

<sup>4</sup> *Ibid.* xxviii. 210.

<sup>5</sup> Concerning her ancestry, see J. D. Butler, *Butleriana Genealogica et Biographica*, or Genealogical Notes concerning Mary Butler and her Descendants (1888), pp. 34, 35; Daniels, *History of the Town of Oxford, Massachusetts* (1892), p. 417. I am indebted to both these volumes, which also contain many facts of interest beyond the scope of this memoir. See also *New England Historical and Genealogical Register* for 1847, i. 167–170.

<sup>6</sup> Boston Record Commissioners' Reports, xxiv. 235.

<sup>7</sup> *Ibid.* xxviii. 236.

<sup>8</sup> *Butleriana Genealogica et Biographica*, p. 38.

<sup>9</sup> *Ibid.* p. 33; and 1 *Proceedings of the Massachusetts Historical Society*, xviii. 266, where his name is misprinted "Butter." See Sabine, *Biographical Sketches of Loyalists of the American Revolution*, ii. 490.

<sup>10</sup> Cf. *Butleriana Genealogica et Biographica*, pp. 33, 34; Daniels, *History of Oxford*, p. 417. He may have been identical with the James Butler who is said to have died in Boston in 1776 aged 63 (*New England Historical and Genealogical Register*, i. 169).

<sup>11</sup> *Catalogue of the Boston Public Latin School* (1886), p. 69 and *note*.

<sup>12</sup> Boston Record Commissioners' Reports, xxx. 44.

<sup>13</sup> Mary Sigourney, of French Huguenot descent, daughter of Anthony and Mary (Waters) Sigourney, was born in Boston 23 March, 1741–42 (Boston Record Commissioners' Reports, xxiv. 244), and died in Oxford, Massachusetts, 14 April, 1823 (*Vital Records of Oxford*, 1905, p. 272). She is described as a woman of "remarkable ability and force of character" (*History of Oxford*, p. 417). A brief sketch of her by the Rev. Abiel Holmes is in 3 *Massachusetts Historical Collections*, ii. 78–79. See *Genealogy of the Sigourney Family* (1857), pp. 10, 26.

having destroyed the commerce of Boston, Mr. Butler and some of his friends "chartered a schooner, secretly put on board their families and household stuff, ran the blockade in a fog, and fled to the Kennebec River, in August, 1774,"<sup>1</sup> where he remained till the autumn of 1778,<sup>2</sup> when he returned to Boston. He soon removed to Oxford, Massachusetts, where his occupation was that of a farmer, merchant and innkeeper, until his death on the twentieth of December, 1827, at the age of 87.<sup>3</sup> Nine children were the fruit of this marriage, the seventh being Peter Butler, born 16 December, 1774, at Kennebec,<sup>4</sup> who died 30 December, 1856.<sup>5</sup> His first wife, Mehitabel Corbin of Dudley, Massachusetts,<sup>6</sup> who died 2 December, 1836,<sup>7</sup> bore him nine children, the eighth of whom was Peter Butler, the father of Sigourney Butler.

Peter Butler, the younger of that name, was born at Oxford, 6 January, 1820,<sup>8</sup> and died in his house No. 20 Chestnut Street, Boston, 1 July, 1894. He married Lucia Proctor, who was born 3 November, 1824,<sup>9</sup> in Boston, where she died 8 July, 1898. Of the four children of this marriage the youngest was Sigourney; of the three daughters, the eldest, Lucia Cleaveland, died unmarried in her twenty-third year; the second, Mary Sigourney, married her cousin-german Peter Butler Olney (H. C. 1864), a brother of our associate the Hon. Richard Olney, and is now living; the third, Isabel Josephine, is also living.<sup>10</sup> Mr. Peter Butler, a Boston merchant of repute, stood high in the councils of the Democratic party, and in 1885 was the choice of many of its members for the Collec-

<sup>1</sup> *Butleriana Genealogica et Biographica*, pp. 37, 38.

<sup>2</sup> *Ibid.* pp. 39, 40. Butler and his wife were earnest supporters of the Patriot cause. His father, as we have already seen, was a Tory.

<sup>3</sup> *Vital Records of Oxford*, p. 272; *Butleriana Genealogica et Biographica*, p. 40.

<sup>4</sup> *Butleriana Genealogica et Biographica*, p. 36.

<sup>5</sup> *Ibid.* p. 52.

<sup>6</sup> *Oxford Vital Records*, p. 140. Their intentions of marriage were entered 21 September, 1800.

<sup>7</sup> *Ibid.* p. 272.

<sup>8</sup> *Ibid.* p. 22.

<sup>9</sup> J. E. Morris, *The Felt Genealogy* (1893), p. 153. She was the daughter of John Cleaveland and Nancy (Felt) Proctor, and was married to Mr. Butler in Boston, 5 September, 1843 (*Boston City Records of Marriages*).

<sup>10</sup> *Boston City Records of Births*; *Vital Records of Oxford*, p. 87; *Daniels, History of Oxford*, pp. 419, 420, 635, 636.

torship of the Port of Boston and Charlestown, which, however, was filled by the appointment of our late associate the Hon. Leverett Saltonstall. For many years Mr. Butler and his family lived in the ancient and beautiful Quincy mansion at Quincy, Massachusetts,<sup>1</sup> which is outranked only by the Adams mansion of that city in historic interest. Later, the family resided, successively, at No. 20 and No. 32 Chestnut Street, Boston.

Sigourney Butler was born 24 October, 1857, at No. 26 Chauncy Street, Boston. His early training was at the preparatory school of Mr. John P. Hopkinson. Until recently this school was domiciled at No. 29 Chestnut Street, the house once occupied by Edwin Booth, and nearly opposite the latest Butler home in which Sigourney Butler died. He entered Harvard College in 1873, and graduated in regular course with the Class of 1877. Every college has its famous classes; and they are hard to account for by any law of average. A few hundred young men banded together by accident for four years in one class ought in reason to resemble very closely the members of other classes immediately preceding or following it; but they do not. Butler's Class was one of these occasional outbursts of intense, aggregated personality which has caused it to be long remembered in college annals for its Berserker rages, its hot-blooded youth, its singular union of cavalier deviltry and intellectual force and even austerity. Dashing, reckless, magnanimous was its temper; its young blades are discreet enough now, but their salt has never lost its savor, and they will all say that in some mysterious, yet altogether happy, fashion the enduring charm that the Class of 1877 has held for its members during nearly thirty years is incarnated in the memory of Sigourney Butler.

Butler entered the Harvard Law School in the autumn following his graduation and remained for the three years' course. In July, 1880, he was admitted to the Suffolk Bar. From April, 1887, till June, 1889, he filled the office of Second Comptroller of the Treasury of the United States under the appointment of President Cleveland. With this eventful exception to the routine of his profession, he continued in the practice of the law in Boston, until his death, chiefly as one of the counsel of the Boston and Maine

<sup>1</sup> A view of this house is in *Butleriana Genealogica et Biographica*, facing p. 68.

Railroad. During his professional life he was associated with Mr. Richard Olney.

Butler's home was with his father's family in Quincy and Boston. For six years (1881-1887), he served on the Quincy School Committee. He was also, for several years, the President of the Young Men's Democratic Club in Boston. It thus appears that the list of his political honors is short, but it by no means represents his political activities. He was of that remarkable group of young men who in the eighties and nineties took in hand the Democratic party, listless through years of accustomed defeat, and under the leadership of the able triumvirate composed of William Eustis Russell, Nathan Matthews, Jr., and Josiah Quincy, broke the ancient defences of the dominant Republican party, placed Russell in the Governor's chair for three successive years, and made the other two mayors of Boston. Russell and Butler were classmates at Harvard and intimate and affectionate friends; and to the latter is due a fair share of the fame accruing to the political astuteness shown by the newer spirits of the party of which he was a devoted adherent. Yet with all his amiable wisdom and honorable political ambition, he was ready, like Governor Russell, to take a stand against the stampede of his party from the gold standard. That the loss of the moral support of such men has proved a serious injury to the party to which they were otherwise loyally attached, the political annals of the past decade sufficiently attest.

Butler's devotion to the college which nurtured him was like his devotion to every cause which he espoused, — intense and loyal. In 1895 he was a candidate for the office of Overseer of Harvard College, but was not elected. His affiliations were strongly with the College and her interests, and there can be no doubt that ultimately he would have done much practical service in her behalf. In all the enthusiasms which never quite die out in the hearts of college men, he was a leader, always urging his friends and classmates to races and other contests. He believed in cheering and songs and other harmless displays of temporary partizanship. There was no indifference in his nature; he was "thorough." This was especially true of his attitude as an American. If he was ready to cheer for a cause, he was also ready to die for one; patriotism really meant something vital to him, and, without false sentiment, he could speak of his country's flag as something personally

dear to him. It was, for instance, a matter of concern to him that more of his classmates did not offer their services at the time of the breaking out of the Spanish-American War, though he doubtless realized that far younger men than his contemporaries were alone wanted, and that they more than filled the ranks of the actual volunteers. As in the case of the generation which knew the war for the preservation of the Union, partizanship in such men as Butler disappeared in the presence of a national exigency. His friendship with Rear-Admiral (then Captain) Robley D. Evans doubtless served to keep bright this patriotic flame which was so distinct a quality of Butler's character. As the Secretary of his Class, Mr. John F. Tyler, well said at the time of Butler's death:

He had the greatest interest in all military matters; he had the true soldierly spirit and, if opportunity had offered, he had just that high resolve and purpose and the heroic qualities to do what Robert Shaw did or what Hobson has just done.

Earlier in life Butler had been an enthusiastic member of the First Corps of Cadets of the Massachusetts Volunteer Militia.

As an unusually late spring was reluctantly turning into the summer of the year 1898, Butler left his office one day (3 June), feeling unable to keep longer at work. A season of great humidity coupled with depression of spirits made it easier for the disease which attacked him, pneumonia, to do its work the more rapidly, for on the evening of Tuesday, the seventh of June, he died at his home in Boston. Though never robust, he, like his friend Governor Russell, gave no indication of a physical delicacy which made it impossible to combat successfully a serious attack upon his system; yet to die in the full tide of battle is the fate which most of us would choose, and we may be sure that such a fate would have been the choice of Sigourney Butler. The funeral service was held on the tenth of June at St. Paul's Church, Boston, of which he was a faithful member. Eleven of his college classmates,—Brainerd, Cobb, Cunningham, Danforth, Farnsworth, Gray, Leeds, Martin, Morgan, Sherwood, and W. N. Swift, were the body-bearers.

The law was Butler's profession and practice, but it was pursued so unostentatiously that the part of his life which he devoted to it was the least widely known. However interesting and desirable

it might prove to dwell somewhat at length on his legal career, his professional brethren alone are entitled to speak of him as a lawyer, and it must here be sufficient to mention the tributes paid to Butler's memory by various members of the Bar Association of the City of Boston, of which for five years he had been the Secretary. At a special meeting, held in the Supreme Judicial Court Room at noon on the twenty-eighth of June, 1898, Resolutions, presented by Mr. John T. Wheelwright in behalf of a Committee, were unanimously adopted. This Committee consisted of Messrs. Causten Browne, Charles P. Greenough, John T. Wheelwright, Charles K. Cobb, and Charles F. Adams, 2d. These resolutions bore ample testimony to the sweetness and gentleness of Butler's character, as well as to his professional worth. Remarks, all confirming the appropriate and feeling words of the Committee, were made by Mr. Solomon Lincoln, Mr. Henry M. Rogers, Professor Edward H. Strobel, a classmate, Mr. Charles T. Gallagher, the Hon. Everett C. Bumpus, and the Hon. Charles S. Hamlin; and letters were read from Mr. Causten Browne and Mr. Morris Gray. The Resolutions were then adopted and placed upon the files of the Association.

The visible record of this tribute by his associates shows a professional life reasonably full of honors, some of them high and all of them creditable to his reputation. There is no doubt that further advancement awaited him, for he had not even begun to lose the appearance of a young man's vigor and beauty. It is more than probable that Sigourney Butler set aside, from a sense of duty, some opportunities which most men would have eagerly grasped. He was offered by President Cleveland, during his second administration, the important post of private secretary, — a post for which Butler had rare qualifications, but which he felt obliged to decline by reason of duties that compelled him to remain at home. How loyal a son and brother he was may be remarked but not dwelt upon. The death of his mother following close upon his own reveals the strength of an affection powerful enough to keep him from accepting such a position as that offered to him by Mr. Cleveland. The obligations of home and kindred were not small things in his scheme of life, and thus the sense of his loss was absolutely unsullied in those who were nearest him while he lived.



Sigourney Butler had a positive genius for friendship; like a woman when she loves, he sympathized unreservedly with another's joys and sorrows. He was the life of every gathering, especially of his own immediate group, where he was always buoyant, luminous, chivalrous, and unfailingly optimistic about others. The Irish and French strains in his gallant blood helped to make him what he really was,—a cavalier and with a cavalier's defects as well as virtues. Spirited and dashing, he poised in conversation with lightest touch over the matter in hand, never tiresome, never shallow, but delicate and fine in all he did and said.

Gracious and wholesome as was this young man's career, no tribute of this sort would be complete or satisfactory without some mention of that quality which made him essentially what he was. It was so conspicuous as to obscure, at times, the excellence of his achievements, the fidelity and honorableness of his career. I refer to his personal charm. It was something more than his physical beauty, of which he had full store. With the gracefulness of a woman, clear-cut features, and abiding youthfulness of figure, there seemed outwardly nothing more to desire in him. It was not altogether his manner, gracious and winning as we remember that invariably to have been. The very indefinableness of this charm adds only to its force. It was spontaneous, essential to his nature, exquisite and pervasive as some delicate aroma. So subtle a possession inheres in personality, but not necessarily in character, for good and great men and women have had it, and so, too, have those great, perhaps, but not good. Fortunately, Sigourney Butler had nobility of soul, else this fascination might have been a source of danger to himself and to others, so powerful might it have proved in the field of politics, wherein feeling so often overrules judgment. This delightful quality impelled many to claim him as a friend, when the personality of another would have inspired no feeling which transcended that of ordinary acquaintanceship. In a vague and passing fashion, Sigourney Butler has always reminded me of John Inglesant in Mr. Shorthouse's story of the same name—surely, not in the entire make-up of that seductive gentleman and courtier, but in the rarer and finer elements of character. Nothing really lives so long as the immaterial creations of the imagination; and so it happens that, writing of Sigourney Butler long after his death, I find that while the affectionate recording of his practical

•

career resolves itself into a precise statement of honorable achievement, that which so strongly affected all who came in contact with him still exerts its potent spell in memory, and brings back without sense of diminution all the attendant excellencies of his delicately virile character.

## JANUARY MEETING, 1906.

A STATED MEETING of the Society was held at No. 25 Beacon Street, Boston, on Thursday, 25 January, 1906, at three o'clock in the afternoon, the President, GEORGE LYMAN KITTREDGE, LL.D., in the chair.

The Records of the last Stated Meeting were read and approved.

The CORRESPONDING SECRETARY reported that letters had been received from Dr. JAMES BOURNE AYER of Boston, Mr. JAMES WILLSON BROOKS of Petersham, Mr. THOMAS JEFFERSON COOLIDGE, Jr., of Manchester, and Mr. WILLIAM VAIL KELLEN of Boston, accepting Resident Membership.

On behalf of Mr. GEORGE A. PLIMPTON, a Corresponding Member, the PRESIDENT exhibited a photograph of the title-page of the eighth edition of Thomas Dilworth's *A New Guide to the English Tongue*, published by Franklin at Philadelphia in 1747. The book contains sections devoted to spelling, grammar, prayers, and fables, and played an important part in this country previous to the Revolutionary War. The original is owned by Mr. Plimpton and is thought to be a unique copy.<sup>1</sup>

On behalf of Mr. APPLETON P. C. GRIFFIN, a Corresponding Member, Mr. HENRY H. EDES communicated a *Commonplace-Book* written by Benjamin Franklin (1650-

<sup>1</sup> Mr. George E. Littlefield states that the first edition was published in 1740 (*Early Schools and School-Books of New England*, p. 126).

1727), an uncle<sup>1</sup> of Dr. Franklin. The first forty pages are unfortunately missing, but the remainder is here printed.<sup>2</sup>

COMMONPLACE-BOOK OF BENJAMIN FRANKLIN (1650-1727).

[41]

Genoa 1718.

The spanish consul and two Jesuits went on board the spanish admiral, Taken by s<sup>r</sup> George Bing,<sup>3</sup> with 10 more in the fight, and sent into Mohone,<sup>4</sup> They tarried on board about two hours and quickly after they were gone a shore she blew up, having on board, 80 Guns, 600 barrels of powder, 150 spanyards, and 50 English m. This fell out next day after she was bro't into Mohone.

Boston N. L.:<sup>5</sup> 8 June 1719.

The spanish fleet with the pretender,<sup>6</sup> set out from corona<sup>7</sup> at latter end of March 1719. and sayling toward Irland, were scattered, and shattered very much, driven back into several ports and many of them cast away.

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<sup>1</sup> This Benjamin Franklin came to Boston about 1716 and resided with his brother Josiah until the marriage of his own son Samuel, with whom he lived until his death on 17 March, 1727. He is mentioned by Dr. Franklin in his Autobiography, who says that his uncle "left behind him two quarto volumes of manuscripts, of his own poetry, consisting of fugitive pieces addressed to his friends." Dr. Franklin's sister Mrs. Jane Mecom, in a letter written 8 November, 1765, declared that "with all my own art, and good uncle Benjamin's memorandums, I can't make them good colors." See New England Weekly Journal, 27 March, 1727, p. 2/2: Sparks's edition of Franklin's Works, i. 5, 6, 540-542, 545, 546, vii. 533; J. Parton, Life and Times of Franklin, i. 17, 23-26, 32-38, 41-43, 402, 522, 523; S. G. Drake, History and Antiquities of Boston, pp. 573, 574; Letters to Benjamin Franklin, from his Family and Friends (1859), p. 31.

<sup>2</sup> The original pagination is indicated within square brackets. At the top of each page occurs the word "Memorand." The original is owned by Dr. Edward A. Whiston of Newtonville, Massachusetts, who has kindly allowed a copy to be made.

<sup>3</sup> Sir George Byng (1663-1733), Viscount Torrington.

<sup>4</sup> Port Mahon, Minorca, which at that time belonged to England.

<sup>5</sup> The Boston News-Letter.

<sup>6</sup> James Francis Edward Stuart (1688-1766), the Old Pretender.

<sup>7</sup> La Coruña, Spain.

The same Lett<sup>r</sup> of 8 June above says the spaniard had 8 Men of War, abundance of Transport ships, 6000 Souldiers, and arms for 20000 men, and a Million pss [pieces] of Eight. when they sayled for corona to Joyn the Duke of Ormond.<sup>1</sup>

15 June 1719. B. N. <sup>2</sup>

War with spaine proclam'd at Boston 9 June of the 15 it says, that 4 spanish ships set on shore on the Ile of Sky in Scotland, about 8 hundred m almost starved, and p'sently departed, and that the French General has burnt Six of the spaniards men of war at and ordered the Timber there which is sufficient

Sam<sup>n</sup> Franklin 1762 <sup>3</sup>

[42]

to build 20 m War to be carried unto Bayony.<sup>4</sup> there is also a prodigious number of Masts.

Boston N. L: 15 June 1719. says, Sally <sup>5</sup> has released 200 English captives.

Boston 28 Sept 1719.

On the 17 Instant there appear'd in cape-cod harbour a strange creature, His head like a Lyons, with very large Teeth, Ears hanging Down, a large Beard, a long beard, with curled hair on his head, his Body a bout 16 foot Long, a round buttock, with a short Tayle of a yellowish colour, The Whale boats gave him chase, he was very fierce and gnasht his teeth with great rage when they attackt him, he was shot at 3 times and Wounded, When he rose out of the Water he always faced the boats, in that angry māner, The Harpaniers struck at him, but in vaine, for after 5 hours chase, he took to sea again.

None of the people there ever saw his like befor.

Boston 19 Oct 1719

Dreadfull Thunder and Lightning at Dublin in Ireland such as was never known in that country, it Lasted Six hours.

---

<sup>1</sup> James Butler, second Duke of Ormonde, the leader of the Jacobites.

<sup>2</sup> The Boston News-Letter.

<sup>3</sup> This is an autograph signature, doubtless that of Samuel Franklin (1721-1775), grandson of the writer. See p. 205 note 2, below.

<sup>4</sup> Bayonne, France.

<sup>5</sup> Salee or Sallee, Morocco, formerly a noted pirate headquarters.

Boston 19 Oct 1719

The Czar of Muscovy<sup>1</sup> as seiz'd 3 of the Sweds Men of War, and is going thither with his Fleet and army.

[43]

Edenburg. 6 Oct 1719. The late Earl of Wintons<sup>2</sup> real estate was sold here for 50482 £. sterling, and the 9 day the Late Earl of panmure<sup>3</sup> his Estate was sold for 60400 £. sterling.

21 Dec: 1719. there came out the first Boston Gazzet, put out by [Philip] Musgrove postm<sup>4</sup>.

On the first Fryday in Mar: 1720. M<sup>r</sup> Colmans Lecture began.<sup>5</sup>

M<sup>r</sup> prince<sup>6</sup> Tr. 24 Mar: 1720. sayes that according to the Judgm<sup>t</sup> of those phylosophers Who reckon that there are 300 Millions of Men on the earth at this time, God is p'sent (in al parts of the World) at the formation of no less than 8 Millions of Men every Moment.

Boston from London.

25 Apr: 1720. The Lord cobham<sup>7</sup> Gen'al: has taken spanish prison<sup>r</sup> at vigo 865. cannon. 103. barrels of powder 2000, smal arms 8000 and 7. ships, These are part of the spaniards preparations for Invading england, last year when their fleet was driven back and shattered by a storm.

Boston Gazzet

says a parliam<sup>t</sup> man at plymouth had 10 serv<sup>ts</sup> Who went to take their pleasure in a boat in the Harbour, that the boat turn'd over and they Were all Drowned.

<sup>1</sup> Peter the Great.

<sup>2</sup> George Seton, fifth Earl of Winton, was taken prisoner at the battle of Preston in 1715, found guilty of high treason, condemned to death, but escaped out of the Tower of London, and died at Rome in 1749.

<sup>3</sup> James Maule, fourth Earl of Panmure, was captured in 1715, and attainted, but made his escape and died at Paris in 1723.

<sup>4</sup> The early numbers of the Boston Gazette were printed by the writer's nephew James Franklin, an older brother of Dr. Franklin.

<sup>5</sup> The Rev. Benjamin Colman.

<sup>6</sup> The Rev. Thomas Prince. The letters following Prince's name are perhaps an abbreviation for "Teacher."

<sup>7</sup> Sir Richard Temple, Viscount Cobham, captured Vigo in 1719.

[44]

The Depositions of Jn<sup>o</sup>. philmore, concerning John philips and other pyrats are too Long to be here Incerted, In Boston N. letter of the 3 May 1724 you have a full and particular account of the Barbarous Murders, crueltyts and Inhumane usage<sup>s</sup> of those who fell into their Merciless hands, Together with the Robberys, destruction of Goods and ships which they committed, and how at last [Andrew] Harradine whom they had taken contrived to subdue them killd some of them and bro't some of them in to boston where they were Executed.<sup>1</sup>

On the Sexton of Cambridg.

By an Oxford scholar.

You see old Scarlets<sup>2</sup> picture stand on high \*  
 But at yo<sup>r</sup> feet, there does his body lye  
 His grave-stone both his age and death does show  
 His office by those Tokens you may know †  
 Second to none, for strength and sturdy Limb  
 A scar-babe, Mighty voice, w<sup>th</sup> Vissage Grim  
 Two Queens he did Interr within this place  
 And this Towns housholders in his times space  
 Twice over: but at last his own turn came  
 What he for others did, they did for him the same.

\* over Kings-colledg Gate

† The pickax and spade.

Leghorn 12 July 1718.

Letters from Grand cair[o] say 200000 dyed there of of the plague in May last.

[45]

When Indians hear that some there be  
 That Men, the papists call  
 Forbiding Marriage bed and yet  
 To Thousand Whoredoms fall

<sup>1</sup> For an account of these pirates, and for extracts from the Boston News-Letter, see Sewall's Diary, iii. 335 and *note*.

<sup>2</sup> Robert Scarlett (1499-1594) was long the sexton of Peterborough Cathedral. The two queens buried in the cathedral were Catharine of Aragon in 1535 and Mary Queen of Scots in 1586. The inscription is not over the gate of King's College, Cambridge, but on a portrait of Scarlett which hangs on the north side of the great west door of Peterborough Cathedral. See Dictionary of National Biography, i. 405; Murray's Handbook for Travellers in Northamptonshire and Rutland (1878), p. 71.

They ask if such do goe in cloths  
 Or whether God they know  
 And when they hear they 're richly clad  
 Know God yet practice soe  
 Nay sure they 'r beasts not men, they say  
 Mans shame and foule disgrace  
 Or men have mixt with beasts and soe  
 Bro't forth this monstrous Race

Stalebrass

On a grave in Covent garden C. yard.  
 Good frind for Jesus Sake forbear  
 to Digg the Dust Inclosed here  
 Blesst be the man that spares these stones  
 And curse't be he that moves my bones.<sup>1</sup>

An Epitaph.

The Modest front of this small floor  
 Believe me Reader, can say more  
 Than many braver Marbles can  
 Here lyes a Truly Honest Man  
 One Whose conscience was a Thing  
 That troubled Neither church nor King.<sup>2</sup>

My sister Han<sup>t</sup> Morris Dyed,<sup>3</sup> 23 June 1712.

[46]

The Streets, Lanes, and Alleys, Names, In the Town of Boston N.  
 Eng: As they are Recorded in the Town Book, By ord<sup>r</sup> of the Selectmen,  
 on 3<sup>d</sup> May 1708.<sup>4</sup>

<sup>1</sup> This will of course at once be recognized as the inscription on the stone above Shakspeare's grave in the chancel of Stratford Church.

<sup>2</sup> These lines, not quite accurately quoted, are from Crashaw's famous Epitaph upon Mr. Ashton, a conformable Citizen.

<sup>3</sup> Born in 1654, Hannah Franklin married John Morris. Elsewhere she is stated to have died in 1716 (New England Historical and Genealogical Register, xi. 17; Sparks's edition of Franklin's Works, i. 546).

<sup>4</sup> At a town meeting held 22 September, 1701, it was —

Voted that the Select men of this Town are impowered to Assign and affix Names unto the Severall streets & Lanes within this Town, so as they shall judg meet and convenient (Boston Record Commissioners' Reports, viii. 17).

On 3 May, 1708, it was —

Ordered that the Streets, Lanes, and Alleys of this Town as they are now named & bounded, be accordingly recorded in the Town Book (*Ibid.* xi. 72; *cf.* viii. 49-54).



Anne Street . . . . .	72	cambridg street . . . . .	52
B		crooked lane . . . . .	54
Beech street . . . . .	2	corn Market . . . . .	57
Blind lane . . . . .	10	corn court . . . . .	59
Bishops Alley . . . . .	19	cold lane . . . . .	66
Battery March . . . . .	28	creek lane . . . . .	68
Belchers Lane . . . . .	29	cross street . . . . .	81
Beacon Street . . . . .	31	Clarks Square . . . . .	91
Brattle Street . . . . .	64	Charter Street . . . . .	98
Back Street . . . . .	80	D	
Beer lane . . . . .	84	Davies lane . . . . .	32
Bell Alley . . . . .	90	Dock Square . . . . .	55
Bennet Street . . . . .	102	E	
Battery Alley . . . . .	109	Essex street . . . . .	3
C		Elbow Alley . . . . .	85
cow lane . . . . .	22	F	
crooked Alley . . . . .	24	Frogg lane . . . . .	5
centry street . . . . .	33	Flounder lane . . . . .	23
corn-hill . . . . .	34	Fish Market . . . . .	73
coopers Alley . . . . .	37	Fish street . . . . .	77
church Square . . . . .	40	Fleet street . . . . .	89
common Street . . . . .	44	Ferry Way . . . . .	97
crabb lane . . . . .	50		

In 1708 a broadside was issued bearing the following heading and imprint :

The Names of the STREETS, Lanes & Alleys,  
Within the Town of Boston, in *New-England*.

*BOSTON*: Printed by *Bartholomew Green*, in Newbury Street : Sold by the  
Booksellers, 1708. Price 3d.

In this broadside the streets are numbered — beginning with Orange Street (1) and ending with White Bread Alley (110) — and descriptions are given. A single example will suffice :

45. The Alley leading Easterly from the Common, on the  
North side of Madam *Ushers* House. Turn Again Alley.

A comparison between the broadside and Franklin's list printed in the text shows a few trifling differences, the only one worth noting being that what Franklin calls "Swinge lane" is in the broadside called "Swingbridge Lane."

The original broadside is in the Boston Public Library. A reduced facsimile was published in 1900 by Dr. Samuel A. Green in his *Ten Fac-simile Reproductions Relating to New England*, pp. 31, 32.

## G

Gridleys lane . . . . .	25
Gibb's lane . . . . .	26
Green lane . . . . .	53
Gallops Alley . . . . .	86
Garden court . . . . .	94
Greenoughs Alley . . . .	107

## H

Hogg Alley . . . . .	7
Half squ' court . . . . .	47
Hanover street . . . . .	62
Hilliers lane . . . . .	65
Hull Street . . . . .	101
Henchmans lane . . . . .	106

## I. K.

[47]	
Joylieffs lane . . . . .	39
Kings Street . . . . .	41

## L

Long lane . . . . .	20
Leverets lane . . . . .	48
Link alley . . . . .	71
Lynn street . . . . .	96
Love street . . . . .	103
Lime alley . . . . .	104

## M

Marlboro: street . . . . .	16
Milk-street . . . . .	18
Mackeril lane . . . . .	49
Merchants row . . . . .	60
Marshals lane . . . . .	67
Marsh lane . . . . .	70
Minots court . . . . .	74
Middle street . . . . .	79
Moon street . . . . .	93

## N

Newbery street . . . . .	6
North street . . . . .	88

## O

Orange street . . . . .	1
Olivers street . . . . .	21
Old Way . . . . .	82

## P

pond street . . . . .	8
pudding lane . . . . .	46
pierses alley . . . . .	58
paddeys alley . . . . .	78
princes street . . . . .	87

## Q. R.

Queen street . . . . .	42
Ransfords lane . . . . .	4
Rawsons lane . . . . .	17

## S

Short street . . . . .	9
Summer street . . . . .	13
South street . . . . .	14
Sea street . . . . .	15
Sconce lane . . . . .	27
School street . . . . .	30
Spring lane . . . . .	35
Sudbury street . . . . .	51
Shrimptons lane . . . . .	56
Salt lane . . . . .	69
Scottows alley . . . . .	75
Swinge lane . . . . .	76
Sun court . . . . .	92
Ship street . . . . .	95
Salem street . . . . .	99
Snow hill . . . . .	100
Slideing alley . . . . .	105
Salutation alley . . . . .	108

T. U.			
Tanners lane . . . . .	38	Water street . . . . .	36
Trea-Mount street . . . . .	43	Wings lane . . . . .	63
Turn again alley . . . . .	45	Wood Lane . . . . .	83
Union street . . . . .	61	White bread alley . . . . .	110
[48]		New North bell weys . . . . .	505
		Old North bell weys . . . . .	700
W		New south bell weys . . . . .	700
West street . . . . .	11	Old Brick bell weys . . . . .	532
Winter street . . . . .	12	Colmans bell weys . . . . .	430
		Old south bell weys	

places known by other Names Not  
Mention'd in the Number above

Almes house	G
A	G
Beacon hill	Hows Wharfe
B	H
Cops hill	James street
common	J
common garden	K
clarks Wharf	K
Drawbridg street	Long Wharfe
D	Lillys Wharf
E	L
E	Mount pleasant
Fort hill	M
Fort lane	M
Fox hill	North Battery
Fortification on Neck	Neck

[49]

Meet: Houses and Churches  
In Boston: in the year 1724.

1 The old Brick	7 The Quakers M. H.
2 The old North	8 The New North
3 The old South	9 The New South
4 The Kings chappel	10 The French church
5 Mr Colmans M. H.	11 The New North brick
6 The Baptists	12 Christs church.

Boston 19 Oct 1719

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[43]

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<sup>7</sup> Sir Richard Temple, Viscount Cobham, captured Vigo in 1719.

A pony line sent to my daughter  
 Eliz. at Mr Honeydewns 16 Dec. 1712.

Mr Hannah view'd your hood  
 Says the Camblats very Good  
 If you'd have it very Trim  
 and if you will be ruled by him  
 To make it in the best deco-  
 you must add Three yards or more  
 and according to his sense  
 Every yard is Eighteen pence  
 So then if you take it Down  
 Twill be Three pence above a Crown  
 Moreover for his undertake  
 Nine Groats he'll have it well to make  
 Some silk & also dyed have  
 Fitt for a modern lining Grave  
 This I enclose in the colour  
 May be tis a little fuller  
 To affirm it I am told  
 'Tis a colour that will hold  
 Yet colour and with what to line it  
 I would have yo<sup>r</sup> self Designe it  
 Here at home I have some Blue  
 'Tis not of the deepest hue  
 the Damask will most service do  
 Which to chuse I leave to you  
 Let me know yo<sup>r</sup> Whole designe  
 Shortly by a pony line  
 By what I've writ I hope you'l gather

I am yo<sup>r</sup> Loving Father. B.F.

Commonplace Book 17

an. und.

Engraved for the  
 from the original in the pos

## on Fasting

The Sick man Fasts because he cannot Eat  
 The poor man Fasts because he has no meat  
 The rich man Fasts for to increase his store  
 The glutton Fasts 'cause he can eat no more  
 The Hypocrite Fasts that he may be commended.  
 The good man Fasts because he has offended

Eng<sup>d</sup> Woodward, in the year 1722. obtained  
 a patent to make pennys - ~~2~~ - ~~3~~ - ~~4~~ - ~~5~~ for -  
 Ireland, and North America, on one side  
 is St. Georges Head, and this Inscription. - -

Georgius. Dei. Gratia Rex.

And on the reverse, a Rose in the middle  
 And, Rosa Americana. uti lo. Dulci. 1722

In English Thus.

The Sweet and profitable American  
 Rose

M<sup>r</sup> Sam<sup>l</sup> Wilkes M. A. was Minister of  
 Banbury in Oxfordshire untill the Black  
 Bartholomew, when he was Ejected with a-  
 bout 2000 Ministers more. He lived at home  
 and dyed in his own house there, about the  
 year 1692. Dorothy his Widow removed to  
 in 1682. B. F. married her Daughter Hannah  
 the youngest of 12. on the 23 Nov. 1682. and  
 my son Sam<sup>l</sup> was born in White-chappel -  
 parish in Goodm<sup>s</sup> field. 15 Oct 1684.

Franklin (1650-1727)

Franklin.

of Massachusetts

d. Indian Wholen. 11. 1.

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Olivers Bridg	R
O	R
prison lane	Scarlets Wharf
prouts lane	Swing Bridge
palmers pasture	South battery
Quakers lane	S
Qu.	Town Dock
Rope walk	Town House

It is likely some of those places last noted are Mentioned und' other names in the number above

[50]

A peny line sent to my Daughter  
Eliz. at M' Honybourns 16 Dec. 1713.

M' Hannah view'd your hood  
Says the Camblets very Good  
If you 'd have it very Trim  
and if you will be ruled by him  
To make it in the Due decore<sup>1</sup>  
You must add Three yards or More  
and according to his Sence  
Ev'ry yard is Eighteen pence  
So then if you Note it Down  
'T will be Three pence above a Crown  
Moreover for his undertake  
Nine Groats he 'l have it well to Make  
Some Silk I also dyed have  
Fitt for a Modeish lining Grave  
This Inclosed Is the collour  
May be 'tis a little fuller  
To affirm it I am bold  
'tis a collour that will hold  
Yet colour and with what to line it  
I would have yo' self Designe it  
Here at home I have some blue  
'tis not of the Deepest hue  
the Damask will most service do  
Which to chuse I leave to you

---

<sup>1</sup> No later instance than 1616 of the use of the noun *decore*, meaning "grace, honour, beauty, adornment," is given in the Oxford Dictionary.



[51]

Let me know yo' Whole designe  
 shortly by a peny Line  
 By what I've writ I hope you'l gather  
 I am yet yo' Loving Father. B. F.

A Dialogue bet. a Married Man  
 and a Marriner.<sup>1</sup>

Frind, since we both encumbred are  
 and changing loads is common  
 With yo' consent Ile take the ship  
 and you shall take the Woman

Mar :

That change would but Augm' my care  
 for Womans fond adorer  
 Had need of store of shiping too  
 to fetch new fangles for her

M. M.

Then since you neither will Exchange  
 nor I can't better Make her  
 We'l put the Woman in the ship  
 and let King Neptune take her

Mar.

O by no means she'l vex him soe  
 and put him in commotion  
 It never will be saffe henceforth  
 to sayle upon the Ocean.

An Epitaph on the Read'  
 at st saviours <sup>2</sup> Southwark.

Here lyes the body of M' John Knightly  
 Who in his life time ne're Walkt uprightly

---

<sup>1</sup> These verses, doubtless written by some English author, were printed in the Boston Magazine for December, 1784, i. 623. There are some slight variations between the lines as there given and as printed in our text, the only important difference being that the word "fangles" (in the fourth line of the second stanza) is in the Boston Magazine "fancies." At the bottom of the page in the Boston Magazine some one has written, "Vous avez raison."

<sup>2</sup> It was in this church, it will be remembered, that our associate Mr. Joseph H. Choate recently erected a memorial window to John Harvard. See the Harvard Graduates' Magazine for September, 1905, xiv. 198-202.

and yet he wore his sursingle Tightly  
His nose it lookt red, and his eyes they lookt sprightly  
Good Gentle reader tread on him lightly.

[52]

On a Tomb in the Great church y<sup>d</sup> at Warwick.

Here lyeth one under this stone  
Who never did good but only to one  
Whither he's gone and how he fares  
No body knows nor no body cares.

On Tobacco.

O Nasty black pipe, art thou crept in here  
With thy poysonous Weed & thy Smoke disappear  
Lest custome and use to Ill habits provoke  
And Health thou destroy w<sup>th</sup> thy fire and thy smoke  
But if thou wilt still in spite of my Laws  
Suffocate, strangle and Draw in Thin Jaws  
I Doom thee thou poysonous weed with thy stink  
To be spauld at, and pist on, and Smuttet with Ink }  
To be chewed by sotts to p'pare them for Drink }  
To be put into clysters, and Vomits and plasters  
And ev' Embroyl'd in all kinds of Dissasters  
to be burnt and Destroy'd wherever thou come  
And you pipes to be broken for that is yo' Doom.

B. F.

On M<sup>r</sup> palgraves Tombe near the charnel  
House In Westminster Abby 1724.

From bone to bone he Travel'd all his life  
Bone of his bone he left behinde, his Wife  
Bones he laid Down in hope of bones much better  
So he has lost his bones, and we the best bone-setter.

[53]

An Epitaph on Bona Fide<sup>1</sup>

Here lyes an old man of Seventy and seven  
Who dyed as he liv'd yet hoped for Heaven  
For faith and good works the Two saving things  
He out did all potentates princes and Kings.  
There's Utrecht & Riswick & Spanish partition<sup>2</sup>

<sup>1</sup> Louis XIV. (1638-1715). This Epitaph is in the Somers Tracts, iii. 176.

<sup>2</sup> The allusions are to the Peace of Ryswick (1697), the Peace of Utrecht (1713), and the War of the Spanish Succession.

Old Renunciation<sup>1</sup> and New Demolition<sup>2</sup>  
 And as for good Works no Man had the like  
 Begin at Landau<sup>3</sup> and end at Mardike  
 For if the most Christian Wants Justification  
 His only good Works are Fortification  
 And as for his sins the Jesuits make good  
 That He gets Remission by shedding of blood  
 Some tho't him Imortal some Honest & Just  
 Yet he Rotted and Dyed in the Month of August<sup>4</sup>  
 As did his good Sister<sup>5</sup> now now Mouldred to dust  
 But the Mortification is greater by far  
 To pope Turk<sup>6</sup> and Swede & K<sup>7</sup> of Lebar<sup>7</sup>  
 To Jacks and False Jurors such deaths are sd stories  
 For old Bona fide was head of the Tories<sup>8</sup>  
 But as he lay dying on Royal state bed  
 Remembring 's best friends it is Whispred and said  
 O Robin of Radnor<sup>9</sup> take care of thy Head

<sup>1</sup> The renunciation of her rights to Spain by the Infanta Maria Theresa on her marriage to Louis XIV. in 1660.

<sup>2</sup> The demolition of the fortifications of Dunkirk was carried out by Louis XIV. in accordance with the Peace of Utrecht.

<sup>3</sup> Landau was fortified by Vauban, as was also Dunkirk, near which is Mardyck.

<sup>4</sup> Louis XIV. died 1 September, 1715, — or 21 August in England.

<sup>5</sup> "Good sister" means sister-in-law. Philip (1640-1701), Duke of Orleans, the only brother of Louis XIV., married (1) Henrietta Anne, daughter of Charles I. of England, and (2) Elizabeth Charlotte (1652-1721), daughter of Charles Lewis, Elector Palatine. Henrietta Anne and Philip were married 30 March, 1661. On the afternoon of 29 June, 1670, Henrietta Anne was seized with a sudden illness and died the next day. Saint Simon asserts that she was poisoned, with the connivance of her husband, by his squire. She was buried with great magnificence on 21 August at St. Denis, Bossuet pronouncing the funeral oration.

<sup>6</sup> Louis XIV. had favored the Turks on account of his hostility to Austria.

<sup>7</sup> Doubtless either the town of Bar-le-Duc or the Duchy of Bar, which was a kind of secondary possession of the Duke of Lorraine, who is mentioned a little later. On the conclusion of the Peace of Utrecht, the Pretender was obliged to leave France and for a time lived at Bar-le-Duc.

<sup>8</sup> The Tories were opposed to Marlborough and to a continuation of the war with France.

<sup>9</sup> Probably either John Robartes (1606-1685), first Earl of Radnor, or his grandson Charles Bodville Robartes (1660-1723), second Earl of Radnor.

O James Duke of Ormond <sup>1</sup> My Ireish dear Joy  
 I bequeath thee to Villers <sup>2</sup> w<sup>h</sup> he wants a decoy  
 O high Metled harry <sup>3</sup> go cool thy lewde fire  
 by Maintenons <sup>4</sup> leave w<sup>th</sup> her Nuns of st Cyre  
 O bold King of Sweden <sup>5</sup> Expect a Defeat  
 O Duke of Morea <sup>6</sup> resolve to retreat

[54]

O philip of Spain <sup>7</sup> More Tractable prove  
 O Duke of Lorrain <sup>8</sup> the pretender remove  
 O Clement <sup>9</sup> of Rome thy church bull recall  
 If Worcester <sup>10</sup> says true prepare for a fall  
 For George of great Brittain will Manage y<sup>e</sup> all. }

Transcribed from My son<sup>11</sup> letter to betty Dated 16. April 1716.

I was much surprized to hear of My Fathers coming to Boston, Thinking I should never have seen him More on this side the grave, But Much More When I saw him, Tho. Uncle <sup>12</sup> use to say I was his fore runner, Father has his health here very Well, I should be very glad if a Mean May be found to bring you alsoe over, and then I shall be Easie, &c.

A strange and Wonderful prophesie for the year

Before the sixt day of the next new year  
 Strange Wonders in Great Brittain will appear  
 Four Kings together shall assembled be  
 And Each shall strive for Sovereignty  
 Various successes shall their arms attend  
 And each shall egarly his Right defend

---

<sup>1</sup> See p. 192 note 1, above.

<sup>2</sup> Claude Louis Hector, Duc de Villars.

<sup>3</sup> Henry Saint-John (1678-1751), first Viscount Bolingbroke.

<sup>4</sup> Françoise d'Aubigné, Marquise de Maintenon, who in 1685 married Louis XIV., founded a home for the daughters of poor gentlemen at St.-Cyr, where she herself died.

<sup>5</sup> Charles XII.

<sup>6</sup> Doubtless Francesco Morosini (1618-1694), who on account of his conquest of nearly all the Morea in 1687 was surnamed Il Peloponnesiaco. Later, he became Doge of Venice.

<sup>7</sup> Philip V.

<sup>8</sup> Leopold Joseph.

<sup>9</sup> Clement XI.

<sup>10</sup> William Lloyd, Bishop of Worcester.

<sup>11</sup> Samuel Franklin, born 15 October, 1684. See p. 205, below.

<sup>12</sup> Josiah Franklin, the father of Dr. Franklin.

But which o'th four at last shall Victor be  
That secret is not yet reveal'd to me  
But thro' the Ile in city and in Town

[55]

Shall Mens dead bones be tumbled up & down  
And certainly this Tumult shall not cease  
untill a Herald does proclaime a peace  
A Herald strange the like was never born  
His beard is flesh his Mouth is real horn  
But ere the Agent can the peace compleat  
Most cruelly they will the Herald treat  
And like wilde canibals him Kill and Eat.  
read Herauld

Sent to Me in 1724.

Nature to him a Slender crop Assign'd  
1 2 3      4    5    6    7

A proper Emblem of his slender Mind  
5            1 2    3            4    6    7

In Answer to a letter sent with this above, and a Notorious Lye revived, concereng M<sup>r</sup> R<sup>e</sup> Baxters Killing a man, and takeing a Medal from him, in the courant at the same time.

To you the crack-fart of the Town  
This comes, and if you hand it Down  
To your Admirers, Them advise  
paper no More to blott with Lyes,  
Long Since Exploded, by a name Well known  
To Question Which, will be to blott yo' own.

[56]

On Fasting

The Sick Man Fasts because he cannot Eat  
The poor Man Fasts because he has no Meat  
The rich Man Fasts for to Increase his store  
The glutton Fasts 'cause he can eat no More  
The hypocrite Fasts that he may be comended.  
The good Man Fasts because he has offended.

Esq<sup>r</sup> Woodward,<sup>1</sup> in the year 1722. obtained a patent to Make pennys

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<sup>1</sup> William Wood (not Woodward) secured a patent for Ireland for a cash payment of £10,000 to the Duchess of Kendal, the mistress of George I. The scandal drew from Swift the famous Drapier's Letters, and the patent was sur-

— 2<sup>d</sup>—3<sup>d</sup>—4<sup>d</sup>—6 for Ireland, and North America, on one side is K. Georges Head, and this Inscription

Georgius. Dei. Gratia Rex.

And on the reverse, a Rose in the Midle And, Rosa. Americana. utile. Dulci. 1722.

In English Thus.

The Sweet and profitable American Rose.

M<sup>r</sup> Sam: Welles<sup>1</sup> M. A. was Minister of Banbury in Oxford shire untill the Black Bartholomew, when he was Ejected with about 2000 Ministers More, He lived afterw<sup>d</sup> and dyed in his own house there, about the year 1678: Dorothy his Widdow removed to Londo in 1682. B. F. Married her Daughter Hannah the youngest of 12. on the 23 Nov. 1683. And my son sam:<sup>2</sup> was born in White-chappel parish in Goodm's fields. 15 Oct 1684.

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rendered in 1725. See Dictionary of National Biography, lxii. 378, 379; G. Harris, Life of Lord Chancellor Hardwicke, i. 149-160; S. S. Crosby, Early Coins of America, pp. 145-168.

<sup>1</sup> For a notice of the Rev. Samuel Wells, see Dictionary of National Biography, lx. 231.

<sup>2</sup> Samuel Franklin came to Boston before his father. On 13 August, 1719, he married Hannah Kellineck, by whom he had one son Samuel. The son Samuel was born 21 October, 1721, married Eunice Greenleaf 22 January, 1756, and died 21 February, 1775. Five letters written by Dr. Franklin to this Samuel Franklin, who was a cutler, are printed by Sparks. See Boston Record Commissioners' Reports, xxiv. 150, xxviii. 81, xxx. 17,377; Massachusetts Spy, 2 March, 1775, p. 3/2; Sparks's edition of Franklin's Works, vii. 347, 479, 533, 559, viii. 73; Suffolk Probate Files, no. 15760. The following advertisement appeared in the Boston Chronicle of 2 January, 1769, No. 55 (ii. 4/3):

*Just imported in the Ship Thames, Captain Watt,  
from London, by  
Samuel Franklin,  
At the Sign of the Crown and Razor, South-End  
B O S T O N.*

**B**EST Razors, Pen-knives, scissars, shears, shoe-knives, shoe tacks and stamp awl blades, teeth instruments, lancets, white and yellow swords, and sword belts; case-knives and forks; ink powder and sealing-wax, files and rasps; horse fleams; hones and curling tongs; brass ink-pots, horn and ivory combs; white, yellow and steel shoe and knee buckles; gilt, lackered and plated coat and breast buttons, snuff boxes, and a few second hand hats, &c. all very cheap.

N. B. Razors, penknives and scissars ground, scabbards made for swords and bayonets, caseknife and fork blades made.

Again on behalf of Mr. GRIFFIN, Mr. EDES communicated a treatise on dyeing and coloring, also written by Benjamin Franklin (1650-1727). In this treatise frequent mention is made of "Alexis." This was a rather famous book in its time, originally published in Italian under the pseudonym of Alessio Piemontese.<sup>1</sup> Its authorship is unknown, but it is sometimes, though on what evidence is uncertain, ascribed to Girolamo Ruscelli. There was an English translation, the titles of which read as follows:

The secretes of the reuerend Maister Alexis of Piemont. Containing excellent remedies against diuers diseases, woundes, and other accidents, with the maner to make distillations, parfumes, confitures, dynges, colours, fusions, and meltinges . . . Newly corrected . . . Translated oute of Frenche into Englyshe, by William Warde. London. 1562.

The second part of the Secretes of Maister Alexis of Piemont, by hym collected out of diuers excellent aucthours, and newly translated out of French into English . . . By Willyam Ward. London. 1563.

The thyrde and last parte, *etc.* London. 1562.

Franklin's treatise, a great part of which is from Alexis, is incomplete, but what is extant follows.<sup>2</sup>

#### DYEING AND COLORING.<sup>3</sup>

##### To Make Black Ink.

put into 5 Winchester quarts of Raine Water  
8 oun : of Aleppo Gauls broken, not in powder.

<sup>1</sup> For this information about Alexis, as well as for other assistance in preparing these notes, the Editor is indebted to President Kittredge. The collations, enclosed within square brackets, are also due to Mr. Kittredge. There is a copy of Warde's translations in the Harvard College Library.

<sup>2</sup> The original is also owned by Dr. Whiston, to whom we are again indebted for permitting a copy to be made.

<sup>3</sup> On the cover of coarse brown paper are the words "Dying & Coloring," in the hand of the writer of the treatise. Then follow the words —

Sam<sup>l</sup> Franklin  
1762.

This is no doubt the signature of Samuel Franklin (1721-1775), the writer's grandson. See Mrs. Mecom's statement about her uncle's recipes, p. 191 *note* 1, above.

4  $\overline{\text{ou}}$  : of Gum Arabeck

2  $\overline{\text{ou}}$  : of Copris

2  $\overline{\text{ou}}$  : of White Salt.

2  $\overline{\text{ou}}$  : of Loaf sugar

1  $\overline{\text{ou}}$ . Allum and

a Gill of Aqua-Vitæ

put these altogether in a New Earthen pot and Stir them well Morn.  
and Evening 30 Dayes

Then use it

By this Receipt I Made Ink in 1673. Which I saw was as black and  
Beautifull 30 years afterward as it was at first Writing. B. F.

#### To Make Red Ink

In a pint of Raine Water boyle a q<sup>r</sup> of an hour

4  $\text{ou}$ . of Ground Brazel

2  $\text{ou}$ . of Salt, White salt

1  $\text{ou}$  of Allum Then straine it

And add 1  $\text{ou}$  of Gum Arabeck, and When it Is dissolved use it

#### To Make Green Ink

Mix very in Gum-Arabeck very well

Mix very well in Gum Arabeck water the Juice of Rue, saffron, and  
verdigrease. [*Cf.* Alexis, book v. fol. 93 v<sup>o</sup>.]

#### Another R

Mix very well in a Morter, verdigrease, litharg, Quicksilver and  
childspiss, and if it is too thin put Gum water to it. Alexis [book v.  
fol. 92 v<sup>o</sup>.]

#### Golden Ink

Mix very Well, beaten gold-leaves with four Drops of Honey, and  
when you use it mix Gum Arabeck water with it /: gum dissolved in cold  
water then Write with it & keep it in a glass. Alexis [book v. fol. 92  
v<sup>o</sup>.]

#### Goldn letters w<sup>th</sup>.out gold

Beat of orpiment and fine Christal singly, each an  $\text{ou}$  : then mix them  
with the white of Eggs, When you write with it. Keep it in a glass.  
[Alexis, book v. fol. 93 v<sup>o</sup>.]



## Green Ink.

Beat and make into paste with strong vinegar, the best verdigrease, when you use it, mix the Water wherein Gum Arabeck is dissolved, [Cf. Alexis, part ii. fol. 1 v°].

## printers Ink bla

Burn Rozin in an Iron pan, hold a bag with y<sup>e</sup> Mouth downward to catch the smoak, When it is cold shake yo<sup>r</sup> bag on a paper, Mix the soot Exceeding well with Linseed oyle, and then boyle it over a gentle fire, until you find it thick [Cf. Alexis, book v. fols. 98 v°, 99 r°].

## printers Red Ink

Mix Vermillion finely powdred and searsed<sup>1</sup> very well with Linseed oyle and soe use it

## printers Ink Green

Mix Spanish Green, and Linseed oyle very well together and soe use it

## printers Ink Blue

Mix very well finely powdred verdigrease and Linseed oyle, Or Azure of almaine, or that of Glass which is made at venice. Alexis R [book v. fol. 99 v°].

Cocker<sup>2</sup> The Famous Writing M<sup>r</sup> His Receite  
For Black Ink. 1675.

Take a Quart of Clear Midling Beer. An oū: of green vitriol, or Coperas. Two oū: of Gum Arabeck. Four oū: of Gauls Cut, not beaten, put these together in a New Earthen pot, Stir them Well Twice a day for fourteen dayes then use it.

M<sup>r</sup> Tho. Francis R. for bla Ink

In a Gall: of Soure Syder boyle a handfull of shomack berryes and 2. oū: of Maple bark, in an Iron pot untill half is Consum'd, then put in 2 oū: of Gum Arabeck, or cherry Gum, 1 oū: of sugar and 1 oū: of Coperas. and When they are Disolved use it. 1716

## To Make Red Ink. 1673.

Into 2 quarts of River Water, put 4. oū: of brazell Ground, 4 oū: of White Salt, and 1. oū: of Allum, boyle these gently a Quarter of an

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<sup>1</sup> To searce is to sift through a searce or sieve.

<sup>2</sup> Edward Cocker (1631-1675).

hour, Then Straine It, & When 'tis Well settled pour it off, And Add 3 oū : of Gum Arabeck, When that is Dissolved use it.

#### To Make Gold-colo' Ink

Dissolve 1 oū : of Gum of Almonds In the White of Three Eggs, Then Temper Well with It vermilion finely ground untill it is Redish enough. then use it

#### To Make Green Ink

Mix 2. oū : of verdigrease finely powder'd, with half a pint of Stronge Wine Vinegar, When you use it Add 2. oū : of Gum Arabeck dissolved In Water, And y<sup>e</sup> May Add a little Distild Water of Alepo Gauls.

#### Amber to Clear

Boyle it in the Grease of a sow that gives suck and it will be both cleerer and better

#### Aquavitæ pleasant

Distill good Wine a year old in a Glass six foot long with a gentle fire, strive not to draw much, Take it away while it run or drop freely [*Cf.* Alexis, part ii. fol. 1 r<sup>o</sup>].

#### Bones to Colour Green

Dissolve in Double Aquafortis as much copper as you can, Then put in yo<sup>r</sup> bones and let them lye at least twelve houres. [*Cf.* Alexis, book v. fol. 85 v<sup>o</sup>.]

#### Bones to Dye Green

put Quick-lime in Water, stir it once in twelve hours for Three dayes, boyle yo<sup>r</sup> bones in Roch Allum Then scrape them, Take the cleer Water off your lime and add to it beaten Verdigrease, and boyle yo<sup>r</sup> bones in it, In stead of lime Water you may use stale chamber lye /: piss [*Cf.* Alexis, book v. fol. 85].

#### Bones to dye Emerald.

Dissolve in Aguafortis as much copper or brass as you can, Then put in yo<sup>r</sup> bones twelve hours. but silver soe dissolved does better. [*Cf.* Alexis, book v. fol. 85 v<sup>o</sup>.]

#### Bones to dye Red

Boyle them in Allum Water, then put into lime-water, or urin /: piss, Madder or brazel ground, and boyle yo<sup>r</sup> bones in it [*Cf.* Alexis, book v. fol. 85 v<sup>o</sup>].

For purple use Logwood, as in red.

For blue use Indico, as in red

#### Bones to dye Red

Slack Lime with raine Water, let it stand 24 hours, stir it twice in that time, Then put to every quart an oū: of brazel then boyle yo: bones in it, This will dye horn or Wood alsoe [Cf. Alexis, book v. fol. 89 r<sup>e</sup>].

#### Bones how to Guild Gold-col.

Let out the White of a New laid Egg by Making a hole at End, Then fill it with two parts Quick silver and one part salarmoniack clean and Well fine powdred, Mix them well with the yolk Then close the hole with soft Wax and lay that end downward It being Capt at both ends with an Egg shell, Then put it in a Dunghill 25 dayes Closs cover'd, Then if it is too thick put Gum W. to it

This will Guild Glass, Iron, or Wood-bones. Alex [book v. fol. 97 v<sup>e</sup>].

#### To prepare Bone Dying-Wood

In strong vinegar, Infuse Copris, Allum, verdigrease a week, Then boyle it with fileings of Copper, Then put in yo: bones and they will be Green, If you would have them Red leavé out the verdigr: and put in Brazel, If yellow, put in Turmerick, and soe of other Collours Alex

#### Bones to dye Red

Slack Lime with raine Water, let it stand 24 hours, put to every Quart an oū: brazel Then boyle yo: Bone, Horn, or Wood in it

#### Bones to Dye Yellow

Steep the Inner bark of Apple-tree in Water one Day, Then boyle it with Allum Then put in yo: Bone, Horn, or Wood, and boyle it. Or. in stead of Aple-bark, you may use chips or sawdust of the Locust Tree. B. Fra

#### Bones to Dye Black

Boyle Gaules in vinegar With yo: bones, wood or Horn then add the White of Eggs and Walnut leaves and boyle it in that Alexis

#### Books to Guild

Beat Bole Armoniack one oū: sugar-candy 2 Drams, beat very well the White of one Egg, Then Mix them all well together, Bind, Cut, Glue, & pollish yo: Book, Then brush it over with y<sup>e</sup> White of an Egg, and let

it dry, Then brush it over with yo: Composition, and when it is dry, scrape and polish it well, Then wet it and lay on yo: leaf gold and when tis dry polish it [*Cf.* Alexis, book v. fols. 94 v°, 95 r°].

#### Bristles to dye Red

Wash them, and Rinse them clean from the sope suds, Then lay them in Allum Water till they look yellowish Infuse Madder in vinegar and mix it with Water over the fire, put in your bristles, bring them almost to boyle, When cold take them out Or you may use Brazel instead of Madder, Brazel Ground or Rasped. [*Cf.* Alexis, fol. 89 r°.]

#### Bristles to Dye Yello

Wash and allum them as above, or boyle them in Allum, Then boyle saffron or Turmerick & Ligustrum in Water, but first Infuse them in vinegar, Then to make them Green dip them in the dyers hot Indico Vat [*Cf.* Alexis, fol. 89 v°].

#### Bristles to dye blue

Wash and Rinse them as above directed and then dip them in the Dyers hot Indigo Vat. Or Dissolve Indico in Warm piss and Then put in yo: bristles, and let em lye longer or less time according to the strength or Weakne of yo: Liquor,

#### Another R for Green.

Wash as above, Infuse painter's Green in vinegar Then Dip them, or put em In and let them lye for some time. These are Alexis R's

#### Candle How to Make

Take an equal Quantity of virgin-Wax and pure Brimston, Melt them together and when they are Well Mixed make yo: Candle, This will not be put out by blowing. Alex. [part ii. fol. 8 r°].

#### An Ice Candle

Mix powder of charcole and brimston, hold yo: candle made as above against the fire, and sprinkle on it yo: charcole, till tis as thick as a knife back, Then fasten it at end of a Gutter in frosty Wether that y<sup>e</sup> water may freez on it [*Ibid.*]

#### Fethers to Dye

Blue, dip them in a silk dyer's strong Indigo vat, for Red dissolve vermilian and Gum in Water, and add a smal quantity of boyled brazel

liquor, for Yelow Disolve Gum bogia, in Water, for purple Mix Indigo with vermilion, for Orange mix Gum bogia, vermilian, and Turmerick together, for Yelow Mix Turmerick and Gumbogia, With These you may Dye bristles alsoe of the same Collours Alex

#### Glass How to Guild Gold col.

Let out the white of a New-laid Egg by Making a little hole at the End, then fill it with two parts Quicksilver, Sal Armoniack one part, finely powdred, Mix them Well with a stick Then close it Well with soft Wax, Cap it at both Ends with an Egg shell, set the Wax end downward in a hot Dunghill covered, 25 Dayes, If it is too Thick put in Gum Water w<sup>ch</sup> y<sup>e</sup> use it

#### Another R.

Beat Well in a Mortar, clear yelo. orang peel clear frō W<sup>h</sup> within, and clear yelo. and bright brimstone, set this in a vial closs stopt, und<sup>r</sup> Underground, Ten Dayes, Then heat it by the Fire and use it Alex

#### Hair to Make Yelow

Steep the rind of Rubarb or scrapings, in W<sup>h</sup> wine or strong clear lye, Wash yo<sup>r</sup> Head & Dry it in the sun, Doe soe several times

#### Hair to Make Black

In comon Lye, boyle 4 handfulls of sage leaves, one handf : of Beet-leaves, one handf : of Walnut leaves, or bark, and one ou : of Myrrh, Then Wash yo<sup>r</sup> head several times with it

#### Hair to Destroy

Heat a piece of fine Gold red hot and burn off the hair, Then Anoynt the place with oyle of Roses or violets. This R Alexis [see fol. 78 v<sup>o</sup>] had from a Syrian Lady, and he often proved it, If the Gold be pure it leaves noe Mark A he Goats Gall does the same [part ii. fol. 5 v<sup>o</sup>].

#### To Make Hair Black

Combe it with a comb of Lead, or a horn comb first laid in oyle of Crows Legs, untill it hath drank'up all the oyle [Cf. Alexis, part ii. fol. 40 r<sup>o</sup>].

#### Hair to Make Green

Wash it in the Distill'd Water of fresh Capers [Alexis, part ii. fol. 9 r<sup>o</sup>].

#### Hair to Make Black

Steep Leeches in red Wine or vinegar in a Lead vessel, six Weeks, then Wash yo<sup>r</sup> head and Dry it in the sun. or boyle vine, red fig, and Mulbery leaves in Raine Water, and Then use it [*Cf.* Alexis, part ii. fol. 41 r<sup>o</sup>].

#### Hair to Make Grow

put Three Live Frogs in an Earthen pot and soe burn them to Ashes, Then Mix the Ashes with Honey, or Tar which is Better. [*Cf.* Alexis, part ii. fols. 5 r<sup>o</sup>, 23 r<sup>o</sup>.]

#### Horn how to shape.

Burn Argill, Then With it and unslac't lime Make a strong-Lye, Then add horn Raspings, & boyle them. Well in this, and then shape them

#### The German ball

Melt 4 oū: of Bee's Wax, Then put in a 2<sup>d</sup> Tub of Lamb black, and ha: an oū: of Mutton suit or hard Tallow, Mix these very Well over the fire Then put it into Water and make it into balls,

Let yo<sup>r</sup> Shooes be clean and dry, Rub it well into them and it will make them smooth and black, This is for the Rough side of the Lether. (W.

#### Gold-Silver to Clear

Boyle it in Raine Water and beaten Tarter, or boyle in raine Water, in a Copper vessel, Salt, and beaten Tarter, but first heat them hot by the fire, and let no Iron come into the Water.

#### Gloves to Soften

Make a Larder of the yolks of Eggs, and use it as you doe a Larder of Sope for other things Se more of this in Lether page Tho Cleverly

#### Ivory to Whiten

Cover it with Quick-lime, Then Moysten the lime with Water that it may slack, let it lye in the lime Twenty four hours

#### Ivory to Dye Emerald /:g-

Disolve in Aquafortis as Much copper or brass as you can, and let yo<sup>r</sup> bones or Ivory lye in the liquor 12 hours, but Silver disolved does better

#### Iron to keep from Rust

put Lead fileings in oyle olive Nine dayes & then Rub it well on the sword or Iron.

## Lether to Dye Blue

Boyle in Water, Walwort berries, and Elderberies with roach Allum, pass it Thro' this liquor 3 times Drying it each time, wash it first each time [Cf. Alexis, book v. fol. 86 v°].

## Lether to Dye Red

Wash it well, then lay it in Gall two hours, Then brush it over with Ligustrum sodd in Water with Allum, Then put in Spanish Green, Then Dye it Twice in Lye wherin brazel is boyled first, For Spanish Lether boyle yo' Ligustrum in Lye [Cf. Alexis, book v. fol. 88 r°].

## Lether to Dye Green

Wash it well in cold Water and dry it, Boyle the Ripe berries of Dogtree with Roach allum, and brush over the Lether with it, and dry it, Then boyle yelow grains / : berries of Nept (alis) Nerprum with allum water and saffron [Cf. Alexis, book v. fol. 88 r°].

## Lether to Dye Green

Couler Wash, and dry, It in the Decoction of Dogtree berries, and Ashes, Disolve Indico in roach Allum Water, brush it over with this, and When It is Dry, brush it over w<sup>th</sup> above nam'd yelow [*Ibid.* v°].

## Linen to Whiten

Lay it two dayes in soure Milk, closs coverd.

## Linen to Dye black

Scoure it clean, rince it, put it into hot alum liquer, an hour, boyle old fustick chipt or ground, put yo' linen into that liqr hot. Then saden it in the same, with copris disolved in Water, Then Wash it well and give it fresh Logwood, pass it 3 or 4 Times, Thro' each Liqr Wash it every time from the copris Liqr, B. Fra

## Linen to Dye Green

First Dye sky cot, Then Alqm it, Then Wash it, Then give it old fustick liqr and it will be Green B. Fra

## Lether Gloves to clean &amp; Dye

For clear White, use nothing but Whiting & Water  
For Lemon, use lemon cot, yelow oker, & Whiting  
For Yelow, use lemon cot, Whiting, & yelo. oker

For Orang, use Red oker, french oker, lamb black & whiting

For Red, use Red oker, french yelo, Whit: lamb. bla

For flesh C:, use Red oker and Whiting

For Chocalet, use La: bla. Red oker, & Whiting

For Copper, Red oker, and Lamb black

For Ash, use Whiting and Lamb bla.

For yelo, White, use oker, and Whiting

For green White, use Dutchpink, and Whiting

Note, you must kill yo' Lamb black by itself and then Mix it according to Art

#### To Clean Gloves

Use the yolk of Eggs beaten, as you use a Lard: of Sope to Wash or scoure, linen or silk,

#### To Glaze Gloves

Use the Whites of Eggs, Well beaten as you Doe to Glaze a plumb-cake/: Ice it

#### To perfume Gloves

Beat civet very fine and searse it, Then Mix It with yo' White of Eggs, and soe Glaze them

M<sup>r</sup> Char: Casting

#### Letter of Silver

Melt and Mix an oū: of Tinn with 2 oū of Quicksilver then beat them well together with Gum Water, and write, [Alexis, fol. 93 v°].

#### White Letters

Write With the White of an Egg and let it Dry, Then black the paper all over with Ink and When it is Dry Rub It very Well with a clean Linen Cloth. [Cf. Alexis, fol. 94 r°.]

#### Letters Gold col.

Mix Dried powder of saffron, With as Much yelow scaley Glistering orpiment, and the Gall of a hare, or pike, put it into a vial stop it closs, and put it Into a Dunghill 14 dayes, Then shake it Well and Write [Alexis, fol. 97 r°].

#### Marble to Guild

Beat Bole Armoniack, and Linseed oyle very Well together, and let yo' Ground be neither Wet nor Dry, When you lay it on And When it is Dry lay on yo' Gold [Cf. Alexis, fol. 93 v°].



## Gold on a bla Ground

Mix very Well Lamp-black With Linseed oyle and let yo<sup>r</sup> Ground be Neither wet nor Dry, as above, Then lay on yo<sup>r</sup> Gold as above. [*Ibid.*]

## Gold on a single Ground

Temper Together Gypsum, Aloe Epaticum, and Bole Armoniack, of Each a like Quantity With the Whites of New laid Eggs beaten & strain'd thro' a clean linen cloth, and if yo<sup>r</sup> Ground be too strong put Water to it, Wn it is Dry lay on yo<sup>r</sup> Gold. [Alexis, fol. 93 r<sup>o</sup>].

Gold on parchm<sup>t</sup>

Mix yo<sup>r</sup> Gold, with Gum Arabeck Water, and White of Eggs, and soe Guild yo<sup>r</sup> parchment vellum or Lether [Alexis, fol. 93 r<sup>o</sup>].

## Mettals to Guild

Make into fine powder Salt Armoniack, White vitriol, and stone salt, cover yo<sup>r</sup> Mettle with it, put it into the fire an hour, Then Quench it in urine Newly Made, This colours Stone alsoe, of a Gold Colour

## Oyle or Grease takes out &amp;c

Mix the Ashes of a vine, finely Sifted, with the same quantity of soft sope, of White Argil, and Roach Allum, Mix them Well and Make them into balls. Spit on yo<sup>r</sup> spots then rub yo<sup>r</sup> ball on it, scrape it off or Wash it off with Warm Water.

See More of this in Spots. page

## pitch &amp; Tarr takes out &amp;c

Rub the spots with clean Tallow, Then lay sope upon them, and scoure it Well in a stronge Larder of Sope B. Fra.

## pictures to Refresh

Dissolve clear Allum in stronge Vinegar When tis cold Wet yo<sup>r</sup> picture, and rub it Gently with a clean soft brush or cloth

## print and Writeing to Refresh

Steep Gauls one day in White wine, Then Distill them, when it is cold, Gently Wash yo<sup>r</sup> print or Writeing With cotton Wool.

#### Roses to Keep fresh

Gather them at Even, with a sharp knife, When they are half open, set them in the Ayr all night, Then put em in an Earthen vessel, Well loaded, stop it closs and Cover it With Dry sand, Tis s<sup>d</sup> to Keep em fresh a year

#### Steel to Harden

Quench it 5 Times in the Juice of the Herb, Mouse Ear, Then it will cut Iron

#### Steel to Soften

Quench it in Juice of Hemlock 4 Times then Melt Lead, and Quench it in pure oyle olive, Then Quench yo<sup>r</sup> steel in it 7 Times

#### Spanish Green to Make

Mix With brass, or Copper fleings, Salt Armoniack, and stale chamberlye /: piss, as it drys continue to Wet, the fleings till they Turn Green, and Then use it

#### Spots to take out

Mix Spirit of Sulpher, With Three parts Water, Wet no further with this than the spot This Takes Ink spots out of cloth or stuff

#### Staines takes out Wollen

Boyle Lavender in Water, Wet yo<sup>r</sup> staines with it prety Warm, Dry it in the Sun, in su<sup>m</sup>er doe soe a second time, This will fetch out a staine in a Mix colour Woolen cloth tho, It be Made with Lime B. Fra

#### Spots Ink takes out

Wet them with Juice of Lemons 3 Times, and let it dry in every Time, Then wash it in Warm Water, This Takes spots of bla Ink or other things out of Woolen or Linen clothes [Alexis, part ii. fol. 48 r<sup>e</sup>].

#### Spots Takes out

Beat to powder, Martem Crudum and Raw Red Arsnick, a like Quantity, With the Herb cinkfoyle, put fair Water, to them Then boyle it unto half, let it cool, Then set it in the sun, 2 hours, Then Wash & dry yo<sup>r</sup> Cloth of Gold In the Sun [Alexis, part iii. fol. 59 r<sup>e</sup>].

## Spots Takes out Cloth

Boyle a Tench, all to peeces, Wash the Cloth often in the Water, Then boyle bran in the Same Water, and Wash yo<sup>r</sup> cloth in it again I suppose this will not hurt the colour

## Another R

Boyle in a very clean vessel Roach Allum, one pou<sup>l</sup>: unslackt Lime one pou<sup>l</sup>: in Two Quarts clean Water, With Six ou<sup>n</sup>: of Allum-en fecis, use it Warm 4 Times, Then Wash With Water, This Takes out oyle or Grease [*Cf.* Alexis, part ii. fol. 47 v<sup>o</sup>].

## Another Receite

Take the Juice of the Herb, caled in latin Lanaria, by the Apothecarys, Condissi, & lay it upon the spot 3 hours, Then Wash it out with Warm Water, [*Ibid.*]

This Takes spots out of velvet or scarlet colour, Without hurting the colo<sup>r</sup>.

## A R for Silk

Wet the spots with double distil<sup>d</sup> Aquavitæ Then lay on it the White of a New-laid Egg and Dry it in the Sun, Then Wash it in a Clear Water, Doe this Three Times [*Cf.* Alexis, part ii. fol. 48 r<sup>o</sup>].

## Another R

For spots of oyle in cloth, Drop oyle of Tarter on them, and take it off againe Quickly, Then Wash it well in Warm, and then cold Water Doe this 4 Times.

## Another R

For Cloth In Graine, Wet it in Allum Water and rub Cloth against cloth, Doe this Three or 4 Times and Then Wash it in Warm Water. [*Alexis*, part ii. fol. 48 r<sup>o</sup>.]

## Spots Take out

Of Woolen or Linen Tho, Made with Ink, Wet them often With Juice of Lemons, or Juice of Limes, Thus, Fill a silver Tankard with boyling hot Water, cover'd closs, lay yo<sup>r</sup> spot on the cover and squeez yo<sup>r</sup> Juice upon it, When It is dry, wet it againe, untill yo<sup>r</sup> spot is out then wash it in Warm Water

## Another R

Burn a pou: of White Argill Till it is very Wk. Then put an ou: of it in clear strong vinegar and make it Just boyle, Then Wet the spot by little and little, When tis out, Wash it w<sup>th</sup> Water [Alexis, part ii. fol. 48 v<sup>o</sup>].

## Another R

For oyle-or Grease, Burn Till White, the bones of Sheeps Legs, that have been boyled, beat them into fine powder, lay it Warm on the spot, When it looks black, take it off and put on more, Doe it in the hot sun, or With a hot cloths Iron puting a soft brown paper between yo: Iron and cloth [Alexis, part ii. fol. 49 v<sup>o</sup>].

## Another R

For cloth, Mix Wine lees, beech Wood Ashes, & clay of an old Wall, or Fullers Earth, Which I Think is better, Then Wet the spot Thorowly with yo: Mixture, dry it in the sun, Then Rub it off and Wash it Well, Dry it in the sun [Cf. Alexis, part iii. fol. 58 r<sup>o</sup>].

## Another R

For cloth, beat fine, 4 ou: of Tarter, ha: ou: of Allum, Three Drams of Vitriol, put to them Three ox Gales, and Twice the Quantity of Raine Water, and Wine Vinegar, boyle These till Two Thirds is consumed, Then use it

## Spots Takes out

For White Woolen cloth, boyle 4 ou: of Alumen Fecis, in a pint of Water, till a 4<sup>o</sup> part be consumed, Then steep In it Two dayes, one ou: of Alume and 4 ou: of White sope, Then use it [Cf. Alexis, part iii. fol. 58 v<sup>o</sup>].

This R In My opinion Will doe noe great feats

## Another R

For any Cloth, Wet yo: spots Thoro'ly in the Decoction of pease, lay it in it Two dayes, Then Wash it clean in River Water, and dry it in the Sun, [Alexis, part iii. fol. 58 v<sup>o</sup>].

## Another R

For oyle or Grease, steep yo: spots In Whey, Made of Milk, Whereing flower of pease or beans, has been put /: boyled, Then Wash and dry it in the sun. [*Ibid.*]

## Another R

For spots of Wine, Mix Wine lees With Lye made of beech Ashes, Equal Quantity, lay yo' Cloths in it all night, Then Wash them With Whey, and dry them in the sun [Alexis, part iii. fol. 58 v°].

## Another R

For spots in all mañer of Silk, Wet them w<sup>th</sup> the Juice of Great Round Mushrooms, y<sup>t</sup> are sharp in tast, keep them Wet 2 hours Then Wash them in Warm Water and dry them in the sun [*Ibid.*]

## Sope to Make sweet

Mix ponder of Musk, and Rose Water w<sup>th</sup> your Melted Sope, or Thus, beat very fine Six Graines of Musk, 4 Grā: of civet and Mix these w<sup>th</sup> Rose W, Then Mix these with a Due proportion of yo' Melted sope [*Cf.* Alexis, fol. 54 v°].

## Wood to Dye or Colour

Take the Newest, and Moystest, Horse dung, that you can get, and let it draine into a vessell or straine it In, Then put in Roach Alum & Gum Arabeck a like quantity, Steep yo' Colour in this Liq', Then put in yo' Wood, The longer It lyes in it the Deeper will be yo' Colour, When you take it out Dry it in the sun, This is said to Dye soe Thorowly that Nothing Alters It. [*Cf.* Alexis, book v. fol. 86 r°.]

## Wood to Dye Black

Lay it 3 Dayes in Alum Water Warm'd by the sun or by the fire, Mix Oyle Olive, Linseed Oyle, Roman vitriol, and Brimstone, of each a like Quantity, and boyle yo' Wood in it, The Longer the blacker, but too much oyle Makes it brittle [*Cf.* Alexis, book v. fol. 86 v°].

## Writeing Refreshes

Beat Gaules and steep them one day in W wine Then Distill them, When Tis cold, Wash very Gently, yo' print or Writeing With Cotton Wool, and then Dry it

## Egg to put in a Glass

Steep it 3 dayes in strong vinegar, or 4 dayes Then Roule it with yo' Hand, put it into your Glass, then put Warm Water to it and it will make the Egg hard againe

## Flesh Keeps frō. Flyes

peel and Quarter an Onion and lay it on yo<sup>r</sup> flesh and then flyes will not settle on it [*Cf.* Alexis, part ii. fol. 21 r<sup>o</sup>].

Gold and Quicksilv<sup>r</sup>

All Minerals Will swim upon Quick silver Except Gold, and a small Quantity of that Will sink, and be of a silver colour,

## Spots takes out

Lye Made of the Ashes of Gentian root Takes spots out of Woolen clothes, sayes D<sup>r</sup> Turner<sup>1</sup> in his herbal page 8

The Names of Colours  
Given by The Silk Dyers

Amarant	cinamon	G
Ash-colour	cloth colour	
Aurora	clove colour	
Azure	copper col: Coffee	
	cream col:	Gingerline
B	crimson In Grā:	Gold col: English
Black Dutch	crimson out Gr:	Gold col: french
Black English	culumbine	Goslin col:
Black french	Dove col:	Green primrose
Black spanish	Drab col:	Green Indian
Black Linen	Damson, Deer	Grass Green
Bloom colour		Green spanish
Blue	E F	Green sea,
Bow dye	Flame col:	Green Willow
Buff colour	Flesh col:	Grey White
	Flowerdeline In Grā	Grey Light
C	Flowerdeline out Gr:	Grey stone
celandine	Fox colour	Grey Iron
chesnut	Frost col:	Grey sad
cherry col:		Grey blue
		Gridiline

<sup>1</sup> The Herbal of the Rev. William Turner, Dean of Wells, is said to have marked the start of the science of botany in England. The portion called The Names of Herbes, originally printed in 1548, was republished in 1881 by the English Dialect Society, edited by James Britten.

H J K			O		Smoke
Hare cl:or			Olive col:		Straw col:
Hair col:			Orang col:		Strabury
Jett col			peach col:		Snuff col
Issabella			pearle col:		
King col.			philamot		T. U
L			primrose		
Lavender col:			prince col		Tauny
Lead col:			pomgranate		Verdigrease
Lemon col:			protector		Violet col:
Liver col:			purple		Vigoe col:
Lyon col:			philamot out of bla.		Union col:
M			Q R		
Mazereen blue			Quaker col.		Water col:
Marigold col:			Red		Watchet
Medina col:			Rose col:		White cream
Minum			Russet		White SWhite
Musk col					White Snow
Murrey col:					White Good
N			S		
Nutmeg col			Sand col:		White Midle
Nut hazle			Salmon		White blue
Nut chess-nut			Scarlet		Wine col:
			Silver col		Yellow

I had Designed to say something to Each of these colours in their Alphabet order, But considering that several colours have a dependance upon others in their Dying w<sup>ch</sup> are found under another Letter, I concluded it were best to Write of them as they offer themselves in their Dependencies, and this method I chose to Take for Two Reasons, First because hereby the Work will be very much shortened, and Secondly, I think it will be much the More Inteligible, and by an Index any Colour may be Readily found

When I had concluded as above still there remained a scruple Where, or with Which colour to begin, and for this I can hitt upon noe better Method and Order, than What we constantly practiced at M<sup>r</sup> Lights, and M<sup>r</sup> Willintons Which Was Since M<sup>r</sup> Waggits Dye house, in Hollands Leagure in Christ church parish in Southwark, and that Was alwayes to begin First with the Whites, And let it be Remember'd that My practice Was upon Raw, that is, unwro't silk, in the skeyn, both black and Colours, for about Thirty years, and afterward I Dyed

Garments of Wrought Silk and stuffs and cloth for about Nineteen years More, and I design to Write of both in their Order and first of skeyn silk

Dying of skeyn, Raw or unwrought silk, I presume will not be practiced here in N. E. in this century, but Time May come When it Will, However I will leave a few hints about it, that May be helpfull if any should be hereafter Inclined to promote It

1. England produceth None, or very little silk, in the skeyn, but it is bro't from foreign countryes, and several parts of the World, Namely Bengall, Bologna, Bononia, Italy, Naples, persia, France, spaine, and Holland, &c Its natural colour is either yellow or White, and Raw, it feels like Horshair

2. The finer sorts of skeyn silk are Thrown, that is, Twisted in the countrys that produce them, as bologna, Naples orgazine Naples throw, orsoy, Bononi, &c and of these there are several sorts Especially of Bolony as Bolony, fine bolony, and superfine bolony, w<sup>ch</sup> Tho'. it Double, is as fine as a hair,

3 The Courser sorts as Legee's, are some of them Thrown in England, and soe are the Bengalls, and all the other sorts, as stiching sowing both Ardas, and Beladine, I mean Naples beladine, Dutch beladine, is Naturaly of a higher colour, and not soe strong,

4 Take notice that a pound of Raw silk Which is 16 oū: Wh: Averdupois, When you put it to Dying, if it be for light colours, as, White sky, blue, Green, Ash gold, silver yelo' Isabela, buff red, &c for Weavers, It wasts in boyling off the Gum to make it fit for Dying, 4 oū: in every poū:

5. But if it be for heavy colo: as cloth cot hare cot, sad cot, &c Then the Dyer returns you 16 oū: to the poū: and if it be dyed black then you will have 17 oū: or 17 and a half for yo: pound. And for this purpose there is In London 4 sorts of Skeyn Silk Dyers namely, Scarlet Dyers, who dye onley Reds In graine, Light cot Dyers, Who dye all cot, heavy col Dyers, and black Dyers,

6. To prepare our silk for Dying We first Boyle it off, but to p'pare it for boyling first we Mark it /: tye a leband or brown Thred about every skeyn, then put 6 or 10 Skeyns gently roled together in a handfull, and 10 of these handfulls are put on a cord and 6 or 7 cord sowed up in a bag made of cloth like a chees strainer which will hold about 20 poū:

7. For Boyling Allow for every 20 poū of silk for colours 6 poū: of ordinary sope, for Black allow but 5 poū: and boyle it 2 hours Make it boyle to the Top of yo: Copper all the Time and continue to thro'. in a little Water, to keep it from boyling over, but not to stay the boyling



of it, When it is boyled cool and take it up in a tub or bark of clean Water, Wringing it out of the suds, If it be clear White, it is Well boyled, if any yelow remaine upon it you must boyle it againe or else it will spoyle yo<sup>r</sup> col<sup>r</sup>. Then wash it out in two clean Waters and soe it is fit for Dying

8. If you have White silk for White, boyle it by it self, and yo<sup>r</sup> yelow alsoe by it selfe and to both allow much Room and Liquor. Hard Waters are not fit for Dying but Especially for boyling off, but among soft Waters some are softer than others and therefore you must use More or Less sope accordingly

Thus have I told you first how to p<sup>r</sup>pare yo<sup>r</sup> skeyn silk for boyling off, secondly shewed the way to boyle it, In the Third place I come to speak of p<sup>r</sup>paring yo<sup>r</sup> silk for Dying and this varies according to the col<sup>r</sup> you are which you are to dye

1. I begin with Whites, and for these you need not wash them out of the suds wherin they were boyled but only Wring them out hard, Make a Larder not strong of White cake sope such as you boyld yo<sup>r</sup> Whites in, but it must be soe strong as to stand, beat or Grinde Indigo With Water and when it is well settled put More or less into yo<sup>r</sup> Larder according as yo<sup>r</sup> White is to be, Whiter or bluer, first dye yo<sup>r</sup> Cream  $\text{W}$ : Then  $\text{W}$ .  $\text{W}$ . Then snow  $\text{W}$ : Then Milk  $\text{W}$ : Then good  $\text{W}$ . Then blue  $\text{W}$ : and last of all yo<sup>r</sup> pearle col<sup>r</sup>: In every col<sup>r</sup> adding something more of your Indige Then Wring them and hang 'em in a closs room set brimstone afire under 'em for two hours then Dry stringe and skeyn 'em

## 2. Silver Col<sup>r</sup>,<sup>1</sup>

### A definition of coulours

Azure /: sky col <sup>r</sup> . . . . .	constant
Blush. /: maidens blush . . . . .	Envyed
Gold col <sup>r</sup> . . . . .	Averitious
Gra: Green . . . . .	youth
Green, sea Green . . . . .	Inconstant
Green, willow green . . . . .	forsaken
Green span: Green . . . . .	hope
Gridiline . . . . .	absent
Issabella . . . . .	beauty
Lemon . . . . .	Jealous
Orange . . . . .	Martial
philamote . . . . .	Withered

<sup>1</sup> The treatise here comes to an abrupt end. The next page of the original is blank. The final page is probably in the same hand, but written at a later period.

peach . . . . .	Love
Red . . . . .	defiance
Straw col . . . . .	plenty
Violet . . . . .	Religious
White . . . . .	Death
White /: milk w <sup>t</sup> . . . . .	Inocence
yelow . . . . .	Joy
Black /: sable . . . . .	mourning
Blue . . . . .	cheerful: Jolly

Mr. EDDES made the following communication :

At our Stated Meeting in January, 1904,<sup>1</sup> Mr. Charles K. Bolton communicated an interesting letter written 12 April, 1750, by Franklin, then in Philadelphia, to his mother who was still living in Boston. In it Franklin says :

Cousins Josiah & Sally are well, and I believe will do well, for they are an industrious saving young Couple: But they want a little more Stock to go on smoothly with their Business.

When this letter was passing through the press an effort was made to identify the persons mentioned in it, which was unsuccessful so far as "Cousins Josiah & Sally" were concerned until it was too late to insert more than a brief footnote giving their names. An inquiry addressed to persons in Philadelphia who were the most likely to be able to shed light on this question elicited only the information that one of Franklin's descendants, who had given much time and thought to a study of the family history, had met with two or three other references to these young kinsfolk, but that he was entirely in the dark as to their identity. I knew that it was highly improbable, if not impossible, that any person holding to Franklin in 1750 the relation of "cousin," as the term is now used, could, by any stretch of the imagination, be truthfully called "young;" I concluded, therefore, that these young persons were a nephew and niece of the philosopher, and began a systematic investigation of the matrimonial alliances of all Franklin's sixteen brothers and sisters and of their many children. My search was successful, and I have the pleasure of announcing to the Society that Franklin's new neighbors in Philadelphia were his nephew Josiah Davenport and his first wife Sarah Billings.

<sup>1</sup> Publications, viii. 245, 246.

Josiah Davenport, born in Boston 18 December, 1727, and baptized 24 December, following, at the Church in Brattle Square, was the son of James Davenport of Dorchester and Boston by his second wife Sarah Franklin (born 9 July, 1699), an elder sister of Dr. Franklin.<sup>1</sup> He married Sarah Billings, the banns having been published in Boston 29 June, 1749. She was born 2 January, 1727-28, and baptized 28 September, 1729, at the Church in Brattle Square, the eldest daughter of John and Sarah (Endicott) Billings.<sup>2</sup> Soon after their marriage they moved to Philadelphia, where she died 1 April, 1751, and was buried with their child in the graveyard of Christ Church, very near the tomb of Franklin. The inscription on her tombstone is as follows:

Memoria Sacrum of  
S A R A H  
the wife of Josiah Francis Davenport<sup>3</sup>  
of Philadelphia  
who died April 1<sup>st</sup> 1751  
Aged 23 years and 3 months.  
Oh that I had been worthy  
This happy soul to her blest journey end  
.  
.  
.  
.  
.  
.  
[*Lines indistinct.*]  
Also their Child.<sup>4</sup>

<sup>1</sup> New England Historical and Genealogical Register, xi. 19, 20, xxxiii. 26-31; Boston Record Commissioners' Reports, ix. 247, xxiv. 181; Records of the Church in Brattle Square (1902), p. 149.

<sup>2</sup> Boston Record Commissioners' Reports, xxiv. 180, xxviii. 106, 186, 191; Records of the Church in Brattle Square (1902), p. 152. Robert Charles Billings, a benefactor of this Society, was also baptized at this Church 6 June, 1819; and his parents, Ebenezer Billings and Elizabeth Cleverley, were married there 8 October, 1811, by the Rev. Joseph Stevens Buckminster (Records of the Church in Brattle Square, 1902, pp. 219, 271). It is not improbable that there was kinship between our benefactor and Sarah (Billings) Davenport.

<sup>3</sup> In a manuscript genealogy of the Davenports in the library of the New England Historic Genealogical Society, Sarah (Billings) Davenport's husband

<sup>4</sup> E. L. Clark, A Record of the Inscriptions on the Tablets and Grave-Stones in the Burial-Grounds of Christ Church, Philadelphia (1864), p. 52; and see

Mr. Davenport lost no time in consoling himself by a second marriage, as the following entry in the Christ Church Registers testifies:

1751 December 13. Josiah Davenport & Anne Annis,<sup>1</sup> by M<sup>r</sup> Sturgeon.

The fruit of this marriage was two daughters, Sarah and Deborah,<sup>2</sup> and two sons, Franklin,<sup>3</sup> who became prominent in public life in New Jersey, and Enoch, who was lost at sea.

Mr. EDES also exhibited a facsimile of a letter written by Franklin 22 April, 1771, to Humphry Marshall of West

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is called Josiah Franklin Davenport (p. 50), and in another place (p. 74) he is referred to as "Jos. F." In the Journal of the New Jersey Provincial Congress, under date of 29 June, 1776, is an entry stating that—

Mr. Josiah Franklin Davenport handed to Congress an Account, in the words following:

The Account is for boarding Gov. William Franklin and his servant (Force, American Archives, Fourth Series, vi. 1633). In the Town Record of his birth, (Boston Record Commissioners' Reports, xxiv. 181), however, and in the record of his baptism (Records of the Church in Brattle Square, 1902, p. 149), his name appears as Josiah Davenport. In the Christ Church, Philadelphia, Register of Burials is this entry, under date of 1 April, 1751:

Sarah Wife of Josiah Davenport.

See a discussion of Mr. Davenport's name in the American Historical Record (1877), iii. 84, 226, 275, wherein he is confounded with his son Senator Franklin Davenport. He was County Clerk of Gloucester, 1774-1776 (New Jersey Archives, Second Series, i. 91, 94, 551 and *note*).

Diagram between pp. 32 and 33. I am indebted to Mr. Albert Matthews for this reference and also for an examination of the original Registers of Christ Church.

<sup>1</sup> Ann Annis, daughter of William and Patience Annis, was baptized at Christ Church 16 December, 1736, at the age of ten months (Registers). It is interesting to inquire whether Ann Annis was of kin to the family of that name long settled at Newbury, Massachusetts, or to those persons bearing the name who were connected with the Church in Brattle Square, Boston,—John Annis, who married 3 March, 1795, Miss Sally Cleverley, and their two children, John, baptized 12 May, 1799, and William, baptized 24 May, 1801 (Coffin, History of Newbury, p. 293; Essex Antiquarian, 1899, iii. 184-187; Records of the Church in Brattle Square, pp. 203, 206, 263). See also p. 226 *note* 2, above.

<sup>2</sup> See New England Historical and Genealogical Register, xxxii. 90.

<sup>3</sup> See pp. 358-365, below.

Bradford, Pennsylvania.<sup>1</sup> Mr. ALBERT MATTHEWS gave a brief sketch of Humphry Marshall, and exhibited a copy of his *Arbustum Americanum: The American Grove, or, an Alphabetical Catalogue of Forest Trees and Shrubs, Natives of the American United States*, printed at Philadelphia in 1785,—perhaps the first botanical book published in America.<sup>2</sup>

Mr. MATTHEWS called attention to what is probably one of the earliest allusions to Franklin in a printed book;<sup>3</sup> read some extracts from Boston newspapers describing the celebrations of Franklin's birthday in 1803, 1804, and 1805 by the Boston Franklin Association;<sup>4</sup> and asked for information in regard to the "Franklin Pensioner" of London.<sup>5</sup>

The Rev. Dr. EDWARD H. HALL communicated the following letter written by Franklin 17 October, 1779:

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<sup>1</sup> This letter is owned by Mr. Charles W. Prescott of Concord, through whose courtesy it was exhibited. The letter is printed in Dr. William Darlington's *Memorials of John Bartram and of Humphry Marshall* (1849), pp. 517, 518, and also in the *Protectionist* for March, 1905, xvi. 614.

<sup>2</sup> See Darlington, *Memorials of John Bartram and of H. Marshall*, pp. 485-493. The first word of the title of Marshall's book, doubtless through a typographical error, is printed "Arbustrum."

<sup>3</sup> Under date of 2 May, 1740, William Seward, while in Philadelphia, wrote: "Call'd at Mr. *Franklin's* the Printer's" (*Journal of a Voyage*, London, 1740, p. 22).

<sup>4</sup> See the *Columbian Centinel*, 22 January, 1803, p. 4/1; 21 January, 1804, p. 4/1; 19 January, 1805, p. 4/1.

<sup>5</sup> The following is taken from a communication by Mr. Aleck Abrahams of London to *Notes and Queries* of 3 June, 1905, Tenth Series, iii. 433:

No. 6 of 'Pen-and-Ink Sketches of London,' by J. B., appearing in *The Lady's Newspaper*, 22 March, 1851, provides an interesting sketch of these premises in illustration of a description of Great Queen Street:

The house selected for engraving is, however, that to which the most lasting importance will be attached, from its having been the place of humble labour of the afterwards great statesman and philosopher, Benjamin Franklin. . . .

Referring to the press at which Franklin worked, the writer continues:

The sum of money received for this relic is now appropriated to the relief of one unfortunate, called the 'Franklin Pensioner,' to which a disabled person of any country is eligible if there is a vacancy.

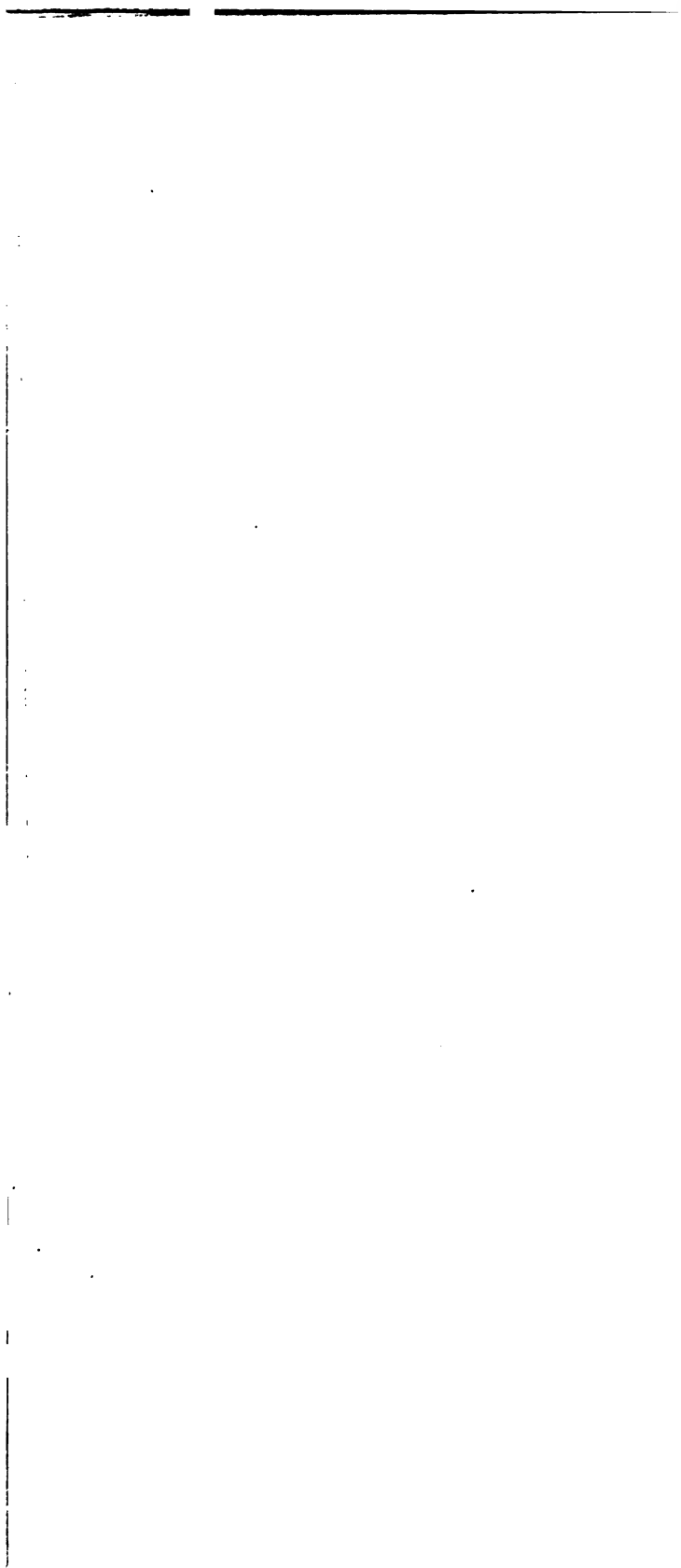
1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for ensuring the integrity and transparency of the financial system. This section also outlines the various methods used to collect and analyze data, highlighting the need for consistency and reliability in the information gathered.

2. The second part of the document focuses on the role of the regulatory body in overseeing the financial system. It details the various responsibilities and powers of the regulator, including the ability to enforce rules and standards, and to conduct investigations into potential misconduct. This section also discusses the importance of maintaining a high level of independence and impartiality in the regulatory process.

3. The third part of the document addresses the issue of market manipulation and insider trading. It explains how these practices can distort the market and harm investors, and outlines the measures that can be taken to prevent and detect such behavior. This section also discusses the importance of maintaining a high level of transparency and disclosure in the financial system.

4. The fourth part of the document discusses the role of the courts in the financial system. It outlines the various powers and responsibilities of the courts, including the ability to enforce rules and standards, and to conduct investigations into potential misconduct. This section also discusses the importance of maintaining a high level of independence and impartiality in the judicial process.

5. The fifth part of the document discusses the role of the public in the financial system. It outlines the various ways in which the public can participate in the financial system, including through the use of derivatives and other financial instruments. This section also discusses the importance of maintaining a high level of transparency and disclosure in the financial system.









TO MESS<sup>rs</sup> S. ADAMS, E. GERRY, JAMES LOVELL, AND S. HOLTON<sup>1</sup> ESQ<sup>ts</sup>

PASSY, Oct. 17. 1779.

GENTLEMEN,

I have lately received the Letter you did me the honour of writing to me the 7<sup>th</sup> of May last, relating to the Loss of the Brigantine, *Fair Play*.<sup>2</sup> I had before made the Application desired, and obtained an Order to the Governor of Guadaloupe for making the Compensation. I hope therefore that the Business is effected; but if any Difficulties have arisen, and any farther Steps are necessary to be taken here I will readily endeavour to do what may be desired of me, having the greatest Regard to your Recommendation.

I have the Honour to be, with much Esteem,

Gentlemen,

Your most obedient

& most humble Servant

B FRANKLIN<sup>3</sup>

[*Filed*]

Oct<sup>r</sup> 17. 1779

From Doct<sup>r</sup> Franklin

respect<sup>g</sup> the Brig<sup>ne</sup> *Fair Play*,

in Answer.

rec<sup>d</sup> Mar. 4<sup>th</sup> 1780

The Rev. Dr. JAMES H. ROPES exhibited the original Record Book of the Old South Church in Boston, containing the entry of Franklin's baptism.

Mr. EDES exhibited a photograph of the page of the Boston Town Records which contains the entry of Franklin's birth.

Mr. WILLIAM C. LANE made the following communication on —

#### HARVARD COLLEGE AND FRANKLIN.

An examination of the records and papers of Harvard College shows that Franklin for many years maintained friendly relations with the College authorities, looked after the purchase of philo-

<sup>1</sup> Samuel Holten (1738-1816), of Danvers, Massachusetts.

<sup>2</sup> See a letter on the same subject written by Franklin 27 June, 1780, in Sparks's edition of Franklin's Works, viii. 476, 477.

<sup>3</sup> The original of this letter is also owned by Dr. Edward A. Whiston.

sophical instruments for them in England, was interested in the building up of the College Library, and from time to time sent gifts of books; and that the Corporation of the College, from the time when it bestowed on him the degree of A. M. in 1753, was careful to acknowledge his gifts with gratitude and to solicit a continuation of his favors.

No record of any connection previous to the bestowal of the degree is to be found. The vote conferring the degree is as follows:

At a Meeting of the Pres<sup>t</sup> & Fellows of Harvard College in Cambridge. July 23, 1753.

Voted, That Whereas M<sup>r</sup>. Benj<sup>a</sup>. Franklyn of Philadelphia, hath made great Improvements in Philosophic Learning, & particularly w<sup>th</sup>. Respect to Electricity, Whereby his Repute hath been greatly advanc'd in the learned World, not only in Great-Britain, but ev'n in the Kingdom of France also, We therefore willing to do Honour to a Person of such considerable Improvements in Learning, Do admit him to the Degree of Master of Arts in Harvard-College. And it is hereby also directed, that the Diploma to be given, in This Regard, to the s<sup>d</sup>. M<sup>r</sup>. Franklyn, be varied from the Common Form, agreeable to the Preamble of this Vote: And that this Vote be presented to the Hon<sup>ble</sup> & Rev<sup>d</sup> the Overseers for their Approbation.<sup>1</sup>

The text of the diploma is preserved in College Book No. 3, pp. 16-17 (back), among other diplomas for degrees conferred by the College or received by graduates of the College from universities abroad. The latter part of this volume seems to have been devoted to this purpose, that models of good usage in such matters might be conveniently at hand.<sup>2</sup> The original diploma, enclosed in a metal-

<sup>1</sup> College Book No. 7, p. 26.

<sup>2</sup> The list of these diplomas may be of some interest.

JEREMIAH DUMMER	Ph. D.	1703	Utrecht.
COTTON MATHER	S. T. D.	1710	Glasgow.
EDWARD WIGGLESWORTH	S. T. D.	1730	Edinburgh.
BENJAMIN COLMAN	S. T. D.	1731	Glasgow.
JOSEPH SEWALL	S. T. D.	1731	Glasgow.
SAMUEL MATHER	M. A.	1731	Glasgow.
CHARLES CHAUNCEY	S. T. D.	1742	Edinburgh.
JONATHAN MAYHEW	S. T. D.	1749	Aberdeen.
EBENEZER MILLER	S. T. D.	1747	Oxford.
BENJAMIN FRANKLIN	A. M.	1753	Harvard.
THOMAS BULFINCH	M. D.	1757	Edinburgh.
MATHER BYLES	S. T. D.	1765	Aberdeen.



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lic case illuminated with the arms of the College, still exists in the library of the American Philosophical Society of Philadelphia.

Senatus Academiæ Cantabrigiensis in Nov Angliâ. Omnibus in Christo Fidelibus, has Literas inspecturis vel auditoris Salutem in Domino sempiternam.

Quandoquidem Dominus Benjamin Franklin Armgr, De Philadelphia americanâ, Experimentis non vulgaribus, præsertim circa Miranda Vis electricæ Phænomena, Philosophiam locupletavit, Undè apud Doctos non in Britannia solum, verùm etiam in Galliâ, Fama Ejus percrebuit, et Ipse de Orbe literato optimè meruit; NOS igitur Studiosi, debitis Doctrinæ Honoribus, hujusmodi Homines ornandi, Eo Concilio, ut ad Scientiam ulteriùs promovendam, et Ipse et Alii incitarentur, **Notum facimus**, Quod (consentientibus Honorandis admodùm & Reverendis Academiæ nostræ Inspectoribus) Virum ante dictum dignum judicavimus, Qui Gradu in Artibus Magistrali donetur; Ideoque Dominum **Benjaminem Franklin Armigerum magistrum** in Artibus decrevimus constituimus & renunciavimus, dantes & concedentes Ei omnia Insignia, Jura & Privilegia, Dignitates ac Honores ad Gradum Suum Spectantia.

In cujus Rei Testimonium, Literis hisce communi Academiæ Sigillo munitis, Nomina nostra Subscripsimus Cantabrigiæ, Anno Salutis humanæ quinquagesimo tertio, supra milesimum & Septingentesimo, Octavo Calendar. Sextilis.



EDVARDUS HOLYOKE	Præses	
HENRICUS FLYNT		
JOSEPHUS SEWALL DD. VDM.		
EDVARD. WIGGLESWORTH Theologæ Professor Holliss:		} Socij
NATHANIEL APPLETON V. D. M		
THOMAS HUBBARD	Thesaurarius	

SAMUEL LANGDON	S. T. D.	1762	Aberdeen.
EZRA STILES	S. T. D.	1765	Edinburgh.
SAMUEL AUCHMUTY	S. T. D.	1766	Oxford.
ANDREW ELIOT	S. T. D.	1767	Edinburgh.
NATHANIEL APPLETON	S. T. D.	1771	Harvard.
JOHN CUMING	A. M.	1771	Harvard.
NAPHTALI DAGGETT	A. M.	1771	Harvard.
CHARLES RUSSELL	M. D.	1765	Aberdeen.
JOHN WINTHROP	LL. D.	1771	Edinburgh.
EBENEZER PEMBERTON	S. T. D.	1770	Princeton.
GEORGE WASHINGTON	LL. D.	1776	Harvard.
HORATIO GATES	LL. D.	1779	Harvard.
JOSEPH DE VALNAIS	LL. D.	1779	Harvard.

A letter written to Thomas Hancock 11 September, 1755, proves that Franklin's regard for the College which had honored him with its degree, soon showed itself in a practical form. The letter, the accompanying subscription paper, and the order on his brother, John Franklin, at the time postmaster in Boston, are all preserved in the Harvard Library, but there is, I believe, no evidence that any other subscriptions were called out by this of Franklin. Beginning with a remark about "the Inconvenience attending the Want of a Fund to increase and improve your College Library," Franklin goes on to say :

I imagined that a Subscription set on foot for that purpose might with proper Management produce something considerable. I know you are a Friend to the College, and therefore take the Freedom of inclosing a Paper of that kind, and recommending it to your Care, to procure (if you approve of the design) a suitable Number of Hands to it. Five and twenty Subscribers at 4 Pistoles Each ₯ Annum would in five Years produce 500 Pistoles, which if all laid out in Books would make a handsome Addition to the Library, or if put to Interest, would produce a little Annual Income sufficient to procure the best new Books published in each Year. Some might perhaps Subscribe more than four Pistoles ₯ Annum and others less; and I think that a single Pistole or half a Pistole should not be refused; Tho' such small Sums might occasion a little more Trouble in Receiving or Collecting. I send withal an Order on my Brother, for my first Year's Payment. 'Tis but a Trifle compar'd with my hearty Good will and Respect to the College: but a small Seed properly Sown, sometimes produces a large and fruitful Tree: which I sincerely wish may be the good Fortune of this.<sup>1</sup>

The subscription-paper, the only signature to which is that of Franklin, reads as follows:

We whose Names are hereunto subscribed, taking into Consideration, that in the Library of the College at Cambridge in New England, many Books useful to Students in the several Branches of Learning are yet wanting: and that as new Improvements are from time to time made in

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<sup>1</sup> The letter is printed in full in Smyth's edition of Franklin's Works (1905), iii. 285-286, but under John Hancock's name as the recipient. The superscription of the letter is "Thomas Hancock Esquire, Boston."

Science, new Books on many Subjects are continually coming forth, with which Seminaries of Learning especially should be early furnished, for the further Qualification of the Tutors, and Advantage of the Youth by them to be instructed. But inasmuch as there is not yet any Fund for such Purposes belonging to the said College, therefore to remedy that Deficiency in some degree for the Present, and farther to advance the Reputation of the College and the Public Good, We do each of us promise to pay Annually for Five Years to come, the sums to our respective Names annexed, into the Hands of the Treasurer of the said College for the Time being, to be disposed of in the Purchase of such Books for the Library, as the Presidents and Fellows shall from time to time order and direct.

TIME OF SUBSCRIBING.	NAMES OF SUBSCRIBERS.	ANNUAL SUB- SCRIPT <sup>N</sup> FOR FIVE YEARS.	LAWFUL MONEY.		
			£	s.	d.
Sept: 11. 1755	Benj <sup>e</sup> Franklin of Philadelph <sup>a</sup>	Four Pistoles	4	8.	0

The order to pay the subscription is in the form following :

PHILAD<sup>a</sup> SEPT. 11. 1755

Pay to the Treasurer of Harvard College for the time being, Four Pistoles, or Four Pounds Eight Shillings Lawful Money, being my Subscription to the Library of the said College for one Year next Ensuing the Date hereof, and charge the same to the Acc<sup>t</sup> of

Your Loving Brother

B. FRANKLIN.

To M<sup>r</sup> JOHN FRANKLIN  
Postm<sup>r</sup> Boston.

From the fact that this order remains in the possession of the College, and from the absence of any notice in the Corporation records, it may be inferred that Franklin's subscription was never called for.

A letter to Thomas Hubbard, Treasurer of the College, dated 28 April, 1758, is printed in Bigelow's edition (1887), III. 10-12, and in Smyth's edition (1905), III. 435-437. A copy of the original is in the College Library. It relates to an electric battery of



thirty-five cells which the writer is sending for Professor John Winthrop's use, and the proper installation of which he describes with some care. In a postscript he says :

I beg the College will do me the favour to accept a Virgil I send in the Case, thought to be the most curiously printed of any Book hitherto done in the World.<sup>1</sup>

A letter in the College files, from Joseph Mico, who for many years acted as the agent of the College in London, refers to these articles and to Franklin's letter. It is addressed to Thomas Hubbard, the College Treasurer, and reads as follows :<sup>2</sup>

LONDON the 13<sup>th</sup>: May 1758.

SIR.

I have now before me, your favours of the 23<sup>d</sup> January, & its copy, inclosing a Memorandum, for Benj<sup>a</sup>. Franklin Esq<sup>r</sup> : , from M<sup>r</sup>. Winthrop, Hollissian Professor of the Mathematicks, at Harvard College, & a few Lines from yourself, desiring him to procure a few Articles, for the use of said College, & to deliver them to me. That Memorandum was delivered him, & he sent me a Case, w.<sup>th</sup> Electrifying Instrum<sup>n</sup>. &c<sup>t</sup>, which I have shipt, & also a small Trunk of Hebrew Psalters &c<sup>t</sup> . . . Inclosed is a Letter for yourself, from M<sup>r</sup>. Franklin, which he delivered me open; I paid him £10.8.7 for the Things purchased by him, & have charged it in the above Invoice. . . . .

S<sup>t</sup>: Your most humb. Serv<sup>t</sup>.

JOSEPH MICO.

TO THOMAS HUBBARD Esq<sup>r</sup> : Boston.

How early Franklin's correspondence with Winthrop began is not certainly known. Four letters, 2 July, 1768, 11 March, 1769, 25 July, 1773, and 1 May, 1777, are printed in Bigelow's edition of Franklin's Works. It is not impossible that the letter to "a friend in Boston" of 25 December, 1750 (in Smyth's edition, III. 32), may have been sent to Winthrop. It was found among Governor James Bowdoin's papers and describes an accident that occurred while the writer was making an electrical experiment. The following letter of 10 July, 1764, preserved in the College

<sup>1</sup> Publii Virgilii Maronis Bucolica, Georgica, et Æneis. Birminghamiae: typis Johannis Baskerville. 1757. 4°. Franklin subscribed for six copies. The copy sent to the Harvard Library is still to be seen there, handsomely bound and inscribed with the name of the donor on the binding.

<sup>2</sup> Harvard College Papers, i. 95.

Library, is the earliest known that was certainly addressed to Winthrop:

PHILAD<sup>a</sup> July 10. 1764

SIR

I received your Favour of the 12<sup>th</sup> past, and congratulate you on the Recovery of M<sup>r</sup> Winthrop<sup>1</sup> & your Children from the Small Pox.

M<sup>r</sup> Stiles return'd *Æpinus* to me sometime since.<sup>2</sup> I must confess I am pleas'd with his Theory of Magnetism. Perhaps I receive it the more readily on Acc<sup>t</sup> of the Relation he has given it to mine of Electricity. But there is one Difficulty I cannot solve by it quite to my Satisfaction, which is that if a Steel Ring be made magnetical by passing Magnets properly round it, and afterwards broken into two Semicircles, each of them will have strong N. & S. Poles, in whatever Part the Ring is broken. I have not try'd this, but have been assur'd 'tis so & I know that a magnetic Bar broken has after Breaking 4 Poles, i.e. it becomes two compleat Bars. I think with him that Impermeability to the El. Fluid, is the Property of all El<sup>s</sup> [electrics] ¶ se; or that, if they permit it to pass at all, it is with Difficulty, greater or less in different El. ¶ se. Glass hot permits it to pass freely, and in the different degrees between hot & cold, may permit it to pass more or less freely.

I shall think of the Affair of your unfortunate College,<sup>3</sup> and try if I can be of any Service in procuring some Assistance towards restoring your Library. Please to present my respectful Compliments to D<sup>r</sup>. Chauncy,<sup>4</sup> M<sup>r</sup> Elliot<sup>5</sup> and M<sup>r</sup> Cooper,<sup>6</sup> and believe me with sincere Esteem,

Sir

Your most obedient

humble Servant

My Regards to the  
President, & to M<sup>r</sup>  
Danforth<sup>7</sup>

B FRANKLIN

J. WINTHROP Esq<sup>r</sup>

<sup>1</sup> Professor Winthrop's second wife was Mrs. Hannah Tolman, daughter of Thomas Fayerweather.

<sup>2</sup> James Bowdoin writes to Franklin, 2 July, 1764:

When I last saw Mr. Winthrop I inquired of him after *Æpinus*. He told me he sent it to Mr. Stiles of Newport, who would convey it to you (6 Massachusetts Historical Collections, ix. 21).

<sup>3</sup> The College Library had been destroyed by fire 24 January, 1764.

<sup>4</sup> The Rev. Dr. Charles Chauncy (H. C. 1721).

<sup>5</sup> The Rev. Dr. Andrew Eliot (H. C. 1737).

<sup>6</sup> The Rev. Samuel Cooper (H. C. 1743).

<sup>7</sup> Samuel Danforth (H. C. 1758).

In 1768, while in England, Franklin sent to the College a bust of Chatham, thanks for which were expressed in the following vote:

At a Meeting of the Pres<sup>t</sup> & Fellows of Harvard-College Jan<sup>y</sup> 4. 1769.

Voted 4. That the Thanks of this Board be given to D<sup>r</sup> Benj<sup>t</sup> Franklin for his very acceptable Present, of a fine Bust of that great Assertor of American Liberties, Lord Chatham.<sup>1</sup>

Franklin's letter to Winthrop of 2 July, 1768 (Bigelow's edition, IV. 175-188), refers to the telescope being made for the College by Mr. Short and to an "equal altitudes and transit instrument undertaken by Mr. Bird," work on both of which had been delayed. In his next letter, 11 March, 1769 (Bigelow's edition, IV. 233-235), he is just about to send off the telescope, obtained after much delay and difficulty. The transit instrument he had sent in September by Captain Watt. He writes:

By a late ship I sent your College a copy of the new edition of my Philosophical Papers,<sup>2</sup> and others, I think, for yourself and for Mr. Bowdoin. . . . I have got from Mr. Ellicott the glasses &c of the long Galilean telescope, which he presents to your college.

A letter<sup>3</sup> from Jasper Mauduit to the Rev. Andrew Eliot, dated Hackney, 13 September, 1769, states the source of the money applied to the purchase of these astronomical instruments:

SIR

In answer to your letter of June 22<sup>d</sup> past, I had paid to D<sup>r</sup> Franklin out of the £200 subscribed by Thomas Hollis Esq<sup>r</sup> for an apparatus £147. The particulars he should have given to the Colledge, but suppose He waits till he has laid out the remainder w<sup>ch</sup> is £53, as he told me at the time, that He had bespoke some things more.

The Money he had of me was for a large Reflecting	
Telescope 100 Guineas	£105
	G
& for an Equal Altitude Instrument 40	42
	147

<sup>1</sup> This bust, a plaster cast, still adorns the Reading Room of the College Library.

<sup>2</sup> Experiments and Observations on Electricity, made at Philadelphia in America, by Benjamin Franklin, L. L. D. and F. R. S. To which are added, Letters and Papers on Philosophical Subjects. . . . London. 1769. 4<sup>o</sup>.

<sup>3</sup> Harvard College Papers, ii. 17.

The thanks of the Corporation for the same instruments and for other gifts are expressed in the following votes:

At a Meeting of the President and Fellows of Harvard College April 25.  
1769.

Vote 8. That the Thanks of this Board be given to D<sup>r</sup> Franklin for his many very obliging acts of friendship; particularly for his care in procuring several valuable Instruments for the Apparatus, and that he be desired to continue his kind regards to the College.

At a Meeting of the Corporation of Harvard College Octo<sup>r</sup> 22, 1770.

Vote 4. That the Thanks of this Board be given to D<sup>r</sup> Franklin for his repeated good Services to this College, and particularly in his Care of a valuable achromatic Telescope lately received thro' his hands: and that Professor Winthrop Transmitt this Vote to D<sup>r</sup> Franklin.

At a Meeting of the President & Fellows June 24<sup>th</sup> 1771.

Voted 7. That the Thanks of this Board be given to D<sup>r</sup> Franklin for his kind remembrance of Harvard College expressed in his many friendly Offices & valuable Donations to this Society, particularly in his late Present to our Library of two accurate Mathematical Treatises of M<sup>r</sup> Maseres;<sup>1</sup> and the learned & elaborate Work of Hooegeveen de Graecis Particulis.<sup>2</sup> They also thank D<sup>r</sup> Franklin for the Pleasure he has given them of placing his Effigies<sup>3</sup> among those of their other Benefactors: and Voted that Professor Winthrop do transmit a Copy of this Vote to D<sup>r</sup> Franklin.

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<sup>1</sup> A Dissertation on the Use of the Negative Sign in Algebra . . . . By Francis Maseres, M.A., Fellow of Clare-Hall, Cambridge. London. 1758. 4<sup>o</sup>.

Elements of Plane Trigonometry. In which is introduced a dissertation on The nature and Use of Logarithms. By Francis Maseres, M.A. of Clare-Hall, Cambridge. London. 1760. 8<sup>o</sup>.

<sup>2</sup> Doctrina particularum linguae Graecae auctore et editore Henrico Hooegeveen. E typographeo Dammeano. 1769. 4<sup>o</sup>. 2 vol.

<sup>3</sup> In the Donation Book, this is described as "his own effigies in mezzotinto." It is without doubt the mezzotint engraved by Fisher in 1771 from Chamberlin's portrait, which has hung for many years in the Librarian's office in the College Library. A copy of the original painting, made by Lealie, was presented to the University by Joshua Bates in 1855, and hangs in Memorial Hall. The original painting is in the possession of Victor van de Weyer, of London, a grandson of Joshua Bates.

At a Meeting of the President & Fellows June 16<sup>th</sup> 1772.

Voted That the Thanks of this Board be given to D<sup>r</sup> Franklin for his continued Regard to Harvard College expressed in his kind Present of a late valuable Work of D<sup>r</sup> Priestly entitled the History & Present State of the Discoveries relating to Vision, Light & Colours,<sup>1</sup> and that D<sup>r</sup> Winthrop be desired to transmit a Copy of this Vote to D<sup>r</sup> Franklyn.

In a letter to Samuel Cooper, dated London, 25 February, 1774, Franklin writes :

I send, directed to you a set of the late French edition of my "Philosophical Papers." <sup>2</sup> There are in it several pieces not in the English. When you have looked them over, please to give them to Mr. Winthrop, for the college library.

The thanks of the Corporation for these volumes and for a copy of Vattel are expressed in the following votes :

At a Meeting of the Corporation of H. Col. 31. May 1774

D<sup>r</sup>. Franklin having presented to our Library a French Translation of his Philosophical Works, in two Vols 4to. A copy which we receive with particular Pleasure, as it is a Testimony of the Sense *Foreigners* have of the Merit of these Writings, which must do honor to the Country that gave him Birth, as well as to every literary Society he is related to. Voted, that the Thanks of this Board be given to D<sup>r</sup>. Franklin for this valuable present, & that D<sup>r</sup>. Cooper do transmit him a copy of this Vote.

Sept<sup>r</sup> 30 [1776]. At a Meeting of the President & Fellows at the President's House.

Vote 2. That the Thanks of this Board be given to the Hon<sup>le</sup> D<sup>r</sup> Franklin for a fresh Instance of his Regard to the College by the Present of *Les Droits de Gens* par Mons<sup>r</sup> de Vattel <sup>3</sup> to our Library, by

<sup>1</sup> The History and Present State of Discoveries relating to Vision, Light, and Colours. By Joseph Priestley, LL.D. F.R.S. London. 1772. 4<sup>o</sup>.

<sup>2</sup> Œuvres de M. Franklin, Docteur ès Loix. Traduites de l'anglois sur la quatrième Édition. Par M. Barbeau Dubourg. Avec des additions nouvelles. 2 tom. Paris. 1773. 4<sup>o</sup>.

<sup>3</sup> Le Droit des Gens, ou Principes de la Loi Naturelle, appliqués à la Conduite & aux Affaires des Nations & des Souverains. Par M. de Vattel. Nouvelle Édition augmentée, revue & corrigée. Amsterdam. Chez E van Harrevelt. 1775. 2 vols. 4<sup>o</sup>.





*Seal of Harvard College  
pendant to Franklin's Diploma, 1759*

*Engraved for the Colonial Socy*



*Tin Box, emblazoned in red and gold with the Arms of Harvard College.*

*in which Franklin's Diploma was sent to him in 1753*

*casts from the originals*



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Nov 11

the hand of the Hon<sup>ble</sup> James Bowdoin Esq<sup>r</sup> — And that M<sup>r</sup> Bowdoin<sup>1</sup> be desired to present D<sup>r</sup> Franklin with a Copy of this Vote.

It is pleasant to find that all the volumes mentioned above, as well as the bust of Chatham and the mezzotint "effigies" of Franklin, are still safely preserved in the College Library. One other volume, of earlier date than any of those recorded, and very probably a gift from Franklin himself, is also to be found on the Library's shelves. This was his "Experiments and Observations on Electricity, made at Philadelphia in America, by Benjamin Franklin, and communicated in several letters to Mr. P. Collinson, of London, F.R.S. London. 1751." This copy contains the Supplemental Experiments, *etc.*, dated 1753. Whether it was received by the College just before or just after the degree was conferred would be difficult to say.

Mr. MATTHEWS spoke of having recently been shown, while in Philadelphia, the original diploma conferring by Harvard College on Franklin the honorary degree of Master of Arts in 1753 and the flat tin case, emblazoned with the College arms, in which the diploma was enclosed, and exhibited photographs of them. The following description of these, both of which are in the possession of the American Philosophical Society, is taken from a letter written to Mr. Edes by Dr. I. Minis Hays:

The Harvard diploma is engrossed on parchment and measures  $15\frac{1}{2}$  by  $12\frac{1}{2}$  with the seal attached by a light blue ribbon measuring  $1\frac{3}{8}$  by  $11\frac{1}{8}$ . The box is of a blue-green color and the arms are emblazoned in red and gold. The hooks and centre bar are in a purplish-slate color. The top of the case is lost. The remaining part measures 8 by  $4\frac{3}{8}$  by  $1\frac{1}{8}$ . Judging from the folds in the diploma I do not think the top could have added more than a half inch to the height of the case.

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<sup>1</sup> James Bowdoin writing to Franklin 19 August, 1776, acknowledges the receipt of the Vattel and promises to send it "to the President of Harvard College as a present to the Library from you" (6 Massachusetts Historical Collections, ix. 400).

Mr. FRANCIS H. LEE exhibited a medallion of Franklin made in France by Nini in 1777.<sup>1</sup> In this he is represented in his well-known fur cap, and Mr. MATTHEWS called attention to the description he gave of himself upon his arrival in Paris.<sup>2</sup>

Mr. EDES exhibited a portrait, in proof condition, which George Bancroft considered the best engraved portrait of Franklin. It was engraved in Paris by Darcis in 1795, after a delineation by Lethière.

Mr. DENISON R. SLADE communicated a letter written from Paris 3 November, 1782, by Mrs. Abigail Rogers, the wife of Daniel D. Rogers; and exhibited photographs of Copley's portrait of Mrs. Rogers and of a miniature of Mr. Rogers. The letter follows:

MRS. ABIGAIL ROGERS TO HER SISTERS.\*

PARIS NOV. 13 1782

MY DEAR SISTERS

What would I give to spend this afternoon in the Parlour of the old Mansion at Harvard my Parents on one side my Sisters on the other both attending to the long story I could entertain them with; painful & pleasing Circumstances w<sup>d</sup> compose the Narration; but since this happiness must be defer'd to some future Period I will content myself with writing. I have devoted this afternoon to that purpose: I am prevented by a cold from dineing at Doctor Franklin's to day, M<sup>r</sup> Rogers is gone My Lady-ship was dress'd and the Coach

<sup>1</sup> The medallion is depicted in Franklin in France (1887), by E. E. Hale and E. E. Hale, Jr., facing p. 140.

<sup>2</sup> Under date of 12 January, 1777, Franklin wrote a letter to Mrs. Mary Hewson which begins as follows:

Figure to yourself an old man with gray hair appearing under a martin fur cap, among the powdered heads of Paris. It is this odd figure that salutes you, with handfuls of blessings on you and your dear little ones (Works, 1888, vi. 53).

\* Mrs. Rogers's full sister Sarah Bromfield, who became the second wife of the Rev. Eliphalet Pearson, and her half sister Elizabeth Bromfield, who became the second wife of Mr. Daniel D. Rogers. These ladies were the daughters of Col. Henry Bromfield (1727-1820). See New England Historical and Genealogical Register, xxvi. 38, 39; Publications of this Society, v. 210 note, viii. 290.







*Engraved for The Colonial Society of Massachusetts  
from a rare print in the possession of  
Henry Mead Esq.*

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at the door but found myself so unwell that my great *Prudence* got the better of my inclination, have undress'd and am seeted by a good Fire in a small Parlour to give some account of what has pass'd since my last, which was wrote at Brussels, in which I gave you a very particular account of our Journey from Amsterdam to that Place: Sunday after I wrote we put out in a Coach & Four for Paris where we arrived the Friday following. After imploying the Stay-maker mantua maker &c. &c. I was thought fit to make my appearance abroad. M<sup>r</sup> R. had Letters to several Gentlemen in this City which he has deliver'd and from whom we have received great civilitys. I have been so happy as to be introduc'd to a very agreeable set of American Gentlemen and Ladys among whom are M<sup>r</sup> & M<sup>rs</sup> [John] Jay from New York. M<sup>r</sup> Jay is Ambassador at the Court of Spain but since the negociation for Peace has ben upon the carpet they have resid'd here. they are bouth very sensible Polite well bred People much use'd to Company & to the World. we dined with them yesterday with a large company of Gentlemen: We had a very genteel dinner dressd in the English tast. dind at four drank tea at seven came home between 8 & 9. the same Company dines at Doc<sup>t</sup> Franklin to day with the addition of the other Ladya. M<sup>rs</sup> Izard is a Lady from South Caroliner who has spent twelve Years in England, her Husband a few years past was Minister at this Court is now gone to America.<sup>1</sup> She appears to be a very capable sinsible woman has been used to liveing in high life: is very Friendly & clever: the other Ladys are M<sup>rs</sup> Montgomery who is a second M<sup>rs</sup> S. Quincy<sup>2</sup> in every thing She is a Widow with one Son is come to Europe on account of his Education.<sup>3</sup> M<sup>rs</sup> Price makes up the American set She is a Lady who has spent some time in Boston: they meet at each others Houses almost every day to drink tea & spend the Eve<sup>g</sup>. We have been invited to meet with them there are ten or twelve american Gentlemen that are of the party, and I can asure you Form a Society the most agreeable. a Society in which my Sisters would be

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<sup>1</sup> Ralph Izard married his niece Alice De Lancey, daughter of Peter De Lancey.

<sup>2</sup> The first wife of Samuel Quincy (H. C. 1754) was Hannah Hill.

<sup>3</sup> On 31 October, 1781, Franklin wrote a letter to M. de Marignac introducing Mrs. Montgomery (W. C. Ford's List of the Benjamin Franklin Papers in the Library of Congress, 1905, p. 113). To Dr. I. Minis Hays of the American Philosophical Society I am indebted for the information that Mrs. Montgomery's Christian name was Dorcas and that M. de Marignac was a schoolmaster in Geneva, where Mrs. Montgomery placed her son in company with young Benjamin Franklin Bache.



highly delighted. Am interuped by my Mantaumaker who has been to inform me that the King has lost an Aunt and She thinks it is highly necessary I should have a Sur[tout] of Black Sattin upon the occasion as the Mourning is but for three weeks I told her I would consider of it.

Suppose you will expect a very perticular account of my dress and of the present fashions. I put of bying any thing till I came here : have had two dresses made one a Pink Sattin Gown & petticoat trim'd with the same. the other a clouded Sattin for an undress it is made something like a gown & Petticoat only with out any trimming except a very handsome white Silk tassel on each side. there are no other Silks worn but Sattins in winter : a lutestring would appear as much out of season and would be as singular as a stuff in Summer : dress is greatly attended to by all ranks of People and not to dress in season discover's too much of Poverty. I have been to the Opera where I had an Opp.ty of seeing a great number of Ladys : their dress is very Elagant and the Rouge makes them appear to great advantage. I was disappointed in the Theatre it did not come up to my expectation but not understanding the Language is a great disadvantage. The itching of my Head puts me in mind that I have said nothing about the Head dress : they wear very small Cushions with the hair crape'd over them two Curls on each side and very broad : as to Caps there are so great a verity that you scarcely see two alike. but every thing in the Millinary way is exceeding Dear much more so then in England : when you aske the reason, they answer because they are much prettyer. Thread lace is intirely out of Fashion. Negligees & deept Ruffles are not worn except in a full dress & when you go to Court at which Place I have not made my appearance yet. but hope to before I leave Paris. The weather is so could and the days so short and my Lady-ship so delicate That I fear I shall leave the City without seeing all that is worth a stranger['s] notice. We expected my Brother<sup>1</sup>. would have been hear before this but he has been detain'd by the arrival of a vessel. we look for him in a few days. We hear a vessel has arrived from Boston, I impatiently wait for the arrival of the Post. shall be exceedingly disappointed if I should not have long Letters from each of my Sisters. O Girls! I should not bear the disappointment well I can asure you.

I hope this Letter will be so fortunate as to reach its destind owner as it will need the partiality of a Sister to over look its many defects. the best of Husband[s] joyns me beging your acceptance of our kind love and good wishes. intend writing mama : if I should not by this Opp.ty

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<sup>1</sup> Henry Bromfield (1751-1837).



1. The first part of the document is a list of names and addresses of the members of the committee.

Please to present my Affectionate Duty [to] Papa & Mama<sup>1</sup> & remember me to all Friends. there are three Vessels bound For Boston shall endeavour to write by them all. Adieu. God Bless you Prays

Your Affectionate Sister

[*Filed*]

A letter from

M<sup>rs</sup> R. dated Paris

Nov<sup>r</sup> 1782

Mr. EDDES exhibited a photograph of the original certificate of Franklin's membership in the American Academy of Arts and Sciences, now in the possession of the American Philosophical Society.

Mr. THOMAS MINNS read the following paper on the estate in Washington Street which was at one time in the occupancy of Franklin's father, Josiah Franklin :

Christopher Batt, a tanner, with a large family, came from Old Sarum, or Salisbury, in England, and settled in Newbury, Massachusetts in 1638. He soon removed to Boston and purchased of Thomas Grubb a large tract of land in Washington Street, nearly opposite the present Transcript office, extending on Washington Street from the site on which Peter Sargeant afterwards built his splendid mansion that became the Province House, nearly to Bromfield Street, and from Washington Street to Province Street in the rear.

Here he built tan houses and tan pits, laid out an orchard and gardens, and carried on the business of a tanner, using water from the sources of that spring which gave its name to Spring Lane, and which still flows under the Post Office Building.

Christopher Batt was accidentally killed in his orchard in 1661, by one of his sons firing at a mark.

After the death of his widow in 1679, the land and buildings were divided among the children. Paul Batt, who married Sarah, daughter of the Rev. John Wilson of Medfield and granddaughter of the Rev. John Wilson who was the first minister of the First Church in Boston, seems to have been the most prosperous of them

<sup>1</sup> The writer's step-mother, Hannah (Clarke) Bromfield, the second wife of Col. Henry Bromfield.

all. He is described by Dr. Shurtleff as the "Village Glazier," and his share of the estate was a tract of land with buildings, measuring forty-one feet three and one half inches on Washington Street and extending back of the same width two hundred and sixty-six and one half feet to Province Street.<sup>1</sup>

Paul Batt died in 1678, and in his will bequeathed to his daughter Sarah Batt, subject to the life estate of his mother, his tenement then in the occupation of Richard Smith and the land and shop that was before said tenement, then used by himself.

The daughter, Miss Sarah Batt, married Deacon Micajah Torrey, Jr., and their descendants are still living in Weymouth, Massachusetts.

On 19 July, 1707, —

Micajah Torrey of Weymouth . . . Yeoman, and Sarah his Wife Daughter of Paul Batt late of Boston afores<sup>d</sup> Glazier deceased . . . in consideration of the Sum of one hundred and Eighty pounds . . . to them . . . paid . . . by Thomas Creese of Boston afores<sup>d</sup> Apothecary . . . convey [to him] All that their Messuage or Tenement . . . at the Southerly end of the Town of Boston . . . Given and bequeathed unto the said Sarah . . . by the Last Will and Testament [dated 8 July, 1678] of her Father the s<sup>d</sup> Paul Batt part whereof is in the present Tenure and Occupation of Josiah Franklyn and the other part thereof in the present Tenure and Occupation of Charles Roberts, and is bounded, Measuring and Described as followeth . . . Measuring in breadth at the Front [Washington Street] from the middle of the Gutter standing between the Land of the s<sup>d</sup> [Thomas] Creese [north] and the Land hereby Sold along by the Shop in the Occupation of the s<sup>d</sup> Franklyn unto the s<sup>d</sup> [William] Turner's Land [south] fourteen feet,

more or less; 18 feet and 10 inches wide in the rear; with a depth of 112 feet and 7 inches on the northerly line; the southerly boundary being on an indented line about twenty-six feet north of Ordway Place.<sup>2</sup>

<sup>1</sup> Suffolk Deeds, viii. 58, xxiii. 109.

<sup>2</sup> Suffolk Deeds, xxiii. 147. This small estate, the front portion of which is now numbered 339-341 in Washington Street, on the westerly side, was a part of the original possession of Thomas Grubb the northerly line of which abutted on the Province House estate. The lot adjoining this locus on the north, — between it and the Province House estate, had been bought 26 April, 1706, by the said Thomas Creese of David Hitchcock of Springfield and Eliz-

Josiah Franklin, described in his native land as a silk-dyer, took up his residence in Milk Street in 1685, and as Paul Batt died in 1678, abundant time had then elapsed for the settlement of his estate, and Mr. Franklin may have then taken possession of the shop, and the fact that he could obtain a house and a shop so near together may have determined the place of his residence. The Memorial History of Boston (II. 269) speaks of Franklin's early recollections of the sign of the "Blue Ball," and as the Ball has the figures 1698 plainly inscribed on it, and I have seen nothing to indicate that Josiah Franklin gave up the Batt shop in Washington Street till he moved to Union Street in 1712, the Blue Ball may have hung in front of that shop continuously from 1698, visible to Franklin in his earliest years.

Biographers of Franklin have found difficulty in accounting for his early years till the removal of the family to Union Street, but the occupation of this shop so near his father's residence makes it evident, that, as soon as he could walk and talk, it must have been a constant resort.

There is evidence that at this time his father was a manufacturer of candles. Picture to yourselves Franklin at this time, coming daily from his father's shop and seeing constantly the magnificent grounds and house adjoining, of Peter Sargeant, which is well described in Shurtleff's book.<sup>1</sup> It must have produced a marked impression on a boy of five or six years of age.

With this clue to his early surroundings, an observing reader may find in his letters or autobiography some reference, of which this will give an explanation.

In conclusion, let me add that Sarah (Wilson) Batt, widow of Paul Batt, married for her second husband Josiah Torrey, son of William Torrey, an early and influential settler of Weymouth, and long Clerk of the Deputies, having, as Johnson says, special quali-

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abeth Hitchcock his wife, who had been the widow of Paul Batt, Junior, and was daughter of Thomas and Bethulia Mighell (*Ibid.* xxiii. 109, 110). That part of Thomas Grubb's possession which comprised these two lots passed to Christopher Batt by an unrecorded deed, and thence to his son Paul Batt, Senior, and the latter's two children, Paul, Junior, and Sarah, wife of Micajah Torrey. See Suffolk Probate Files, nos. 274, 702, 970, 2857; Suffolk Deeds, viii. 58; Boston Record Commissioners' Reports, xxviii. 2, 10.

<sup>1</sup> Topographical and Historical Description of Boston, pp. 594-597.

fications for that office, being "a good penman and skild in the Latine tongue."<sup>1</sup> Their oldest child, the Rev. Josiah Torrey (H. C. 1698), the first minister of Tisbury, Martha's Vineyard, was born in this house, and like Franklin was baptized at the Old South Meeting House opposite, 20 March, 1680. The Torrey family soon removed from Boston and were early and pioneer settlers of Mendon, Massachusetts, of Bristol and Barrington now in Rhode Island, and of Mansfield, Connecticut.

Dr. JAMES B. AYER and Mr. MINNS exhibited Franklin medals which had been given them on their graduation from the Boston public schools.

Mr. ROBERT DICKSON WESTON-SMITH of Cambridge was elected a Resident Member.

<sup>1</sup> Wonder-working Providence, p. 110. Cf. Publications of this Society, v. 134, 150, 151, 166.

## FEBRUARY MEETING, 1906.

A STATED MEETING of the Society was held at No. 25 Beacon Street, Boston, on Friday, 23 February, 1906, at three o'clock in the afternoon, the President, GEORGE LYMAN KITTREDGE, LL.D., in the chair.

The Records of the last Stated Meeting were read and, after a slight change in the last paragraph, were approved as amended.

The CORRESPONDING SECRETARY reported that a letter had been received from Mr. ROBERT DICKSON WESTON-SMITH of Cambridge accepting Resident Membership.

President KITTREDGE announced the death on 25 January, 1906, of General JOSEPH WHEELER, a Corresponding Member, and paid a brief tribute to the memory of this Southern soldier who never forgot his Massachusetts ancestry,<sup>1</sup> of which he was justly proud.

Mr. HENRY H. EDES exhibited a small portrait of Amos Kent, and made the following communication :

At the Stated Meeting of the Society in March, 1899,<sup>2</sup> I had the privilege of exhibiting to the members a miniature on ivory of the Rev. Dr. Joseph McKean, for nine years Boylston Professor of Rhetoric and Oratory in Harvard College. A few days after the meeting I received a call from Mr. Francis Randall Appleton (H. C. 1875), who told me he had long been seeking this miniature, and asked leave to copy it. This permission I readily got for him, and a life-size portrait in oil was painted by Mr. Joseph De Camp at the charge

<sup>1</sup> General Wheeler was a grandson of Gen. William Hull. See two pamphlets by Samuel Curtis Clarke: *Records of Some of the Descendants of Richard Hull* (1869), pp. 12, 16, 17; *Records of Some of the Descendants of John Fuller* (1869), pp. 11, 12; and pp. 365-369, below.

<sup>2</sup> Publications, vi. 151-155, where some account of Professor McKean will be found.



of Mr. Appleton who, with characteristic generosity, gave it to the Porcellian Club, of which Professor McKean was the second Grand Marshal (1794 to 1798), and who himself is a prominent member. The miniature was also engraved for the sixth volume of our Publications at the charge of one of our most generous and devoted members.

At a dinner-party which I attended last week, my hostess told me she had just been examining some old family papers which had come to her by inheritance, and that among them she had found a letter written in 1799 by her grandfather to his younger brother, in which he gave an account of the origin of the Porcellian Club. I expressed the hope that I might be allowed to see this interesting paper; and after dinner my wish was not only gratified, but permission was given me to bring it here this afternoon and to print it in our Transactions. It is also my privilege to exhibit the original portrait of the writer of this letter, who was a member of the Porcellian Club, into which he was initiated as early as 1793, — two years after the Club was formed. His younger brother was initiated in 1799, the same year in which this letter was written.

This account of the origin of the Club varies from any which I have seen,<sup>1</sup> and is especially valuable since it was written, only eight years after the Club was formed, by one of its early members who, graduating in the Class of 1795, was a Freshman when the events of which he writes occurred, and must have known the facts in the case. The most interesting single statement is of the place in Cambridge where the dinner was served at which it was determined to form a permanent organization. This place has been fully identified. The writer makes one palpable error, — where he places the date of this dinner “about two years before I *graduated*.” He undoubtedly intended to say *initiated* instead of *graduated*, which would accord with the known facts; and his error is easily explained by the fact, which for the moment he may have forgotten, that initiation to the Club then occurred two years before graduation.

Our late associate Dr. James R. Chadwick is authority for the statement that after holding the most exalted office in the gift of

<sup>1</sup> The account in the Harvard Magazine (1864), x. 270, 271, is amusing but improbable.



Amos R. A.

Amos R. A.  
1840

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*Amos Heath*

*Engraved for The Colonial Society of Massachusetts  
from a miniature in the possession of  
Mrs Charles Theodore Barrell.*

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the Porcellian Club, Professor McKean attempted its disruption on account of the conviviality of its members. Color is given to this statement by the fact that Dr. McKean subsequently became the Corresponding Secretary of the Society for the Suppression of Intemperance,<sup>1</sup> and by some passages in the letter I am about to communicate, which was written, it should be remembered, when the accepted standards of hospitality and conviviality were quite different from those of to-day. Whatever may have been the shortcomings or excesses of some members of the Club in the early days of its history, the uniformly high character and distinction of its personnel from the beginning furnishes the reason why the alleged attempt of Dr. McKean, if made, failed of success.

It only remains for me to say a word as to the writer of this letter and his brother, who were sixth in descent from James Kent of Ipswich and Newbury, brother of Richard Kent, Jr., of Kent's Island, and sons of Joseph and Jane (Moody) Kent of Newburyport.

The Hon. Amos Kent was born 16 October, 1774, on Kent's Island; married 27 November, 1799, Abigail, daughter of the Hon. Joshua Atherton of Amherst, New Hampshire; had a large family, and died 18 June, 1824, at Chester, New Hampshire. He read law in the office of the Hon. William Gordon, Attorney General of New Hampshire; was regarded as a well-read lawyer; was chosen to the State Senate; "was an enthusiastic patron and an officer of agricultural societies, state and county;" and was possessed of mental powers "naturally strong and discriminating." His brother-in-law, the Hon. Charles Humphrey Atherton (H. C. 1794), a classmate of Professor McKean, was an early member of the Porcellian Club, a member of the Phi Beta Kappa, and in later years a member of Congress from New Hampshire.

Moody Kent was also born at Kent's Island 22 April, 1779. He graduated at Harvard in the Class of 1801, was a member of the Phi Beta Kappa, and President of the Hasty Pudding Club. Like his brother Amos, he went to New Hampshire and entered the profession of law, in which he took good rank and accumulated what was then regarded as a large property, two thirds of which he bequeathed to the New Hampshire Asylum for the Insane. He died,

<sup>1</sup> Sprague, *Annals of the American Pulpit* (1866), ii. 417.

unmarried, at Pittsfield, New Hampshire, 1 February, 1866, at the age of 89.<sup>1</sup>

The text of the letter follows.

CHESTER July 6<sup>th</sup> 1799

I must beg pardon, my dear brother, for neglecting to answer yours of the 5<sup>th</sup> of June untill this time. Absence from my office & business when at home have hitherto prevented me. You tell me you have lately been invited to become a member of the porcelian, or pig club & request my opinion of it, & whether it would be eligible to join it. The history of the club is short & I will endeavor to give you a short sketch of it. About two years before I graduated a number of persons were dining together on saturday afternoon, at a public house then kept by a M<sup>r</sup> Moore.<sup>2</sup> After the bottle had circulated pretty lively a few hours, it was proposed, that there should be another meeting of the same persons, at the same place, to dine upon the same kind of food, which was roast pig, in a month from that time. It was immediately agreed to, nemine contradicente, & another meeting was accordingly held. At this second meeting, it appears some of the persons had thought of establishing a convivial club, for the purposes of eating & drinking, and when the glass had been round sufficiently often it was proposed; every one present instantly joined heartily in the measure & a constitution & some few laws were soon after drawn up, by a committee chosen for the purpose. Additional members were invited by permission of the club & the society was thus established. The professed object of the club, so long as I was a member of it was enjoyment, & that kind of enjoyment to be derived from eating & drinking was the principal. It is pretended you know in all such cases; that the company of our friends is the principal inducement to such meetings. I have been led however to doubt the truth of such a pretension, since I have seldom, at college, found a number of friends much delighted with each other, for any length of time, without the aid of the bottle. It is undoubtedly, very proper that wine should be introduced on such occasions, as it adds

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<sup>1</sup> Extended notices of these brothers are in Gov. Bell's Bench and Bar of New Hampshire (1894), pp. 466, 467, 469, 470; and Briggs's Genealogies of the Different Families Bearing the Name of Kent in the United States (1898), pp. 257, 262, 270, 272, — to both of which I acknowledge my indebtedness for many of the facts in my brief sketch in the text.

<sup>2</sup> Abel Moore was an innholder in Boston several years, and afterward kept a tavern at the corner of North (now Massachusetts) Avenue and Holmes Place. He died 2 January, 1794, aged 39 (Paige, History of Cambridge, p. 612).

much to conviviality & to the sprightliness of conversation, it unbends the mind from labor, & gives it the same relaxation which rest does to the labourer's body. What I would warn you against, in such cases, is excess, never suffer yourself in any case whatever to drink so deeply as to loose your reason in any degree whatever. I was perhaps, particularly fortunate, in this respect through the whole of my college life, tho' I must confess it was more [owing] to the strength of my head, than to any restraining power or to any prudential motives. Yet in some instances my foolish ambition carried me to such excess, as to make cause for long & bitter repentance. There is no species of imprudence whatever, but what a drunken man may be lead into, & depend upon it, he will always find persons enough in college, to take him by the hand upon such occasions, & lead him forth upon their business, & to answer particular purposes of their own, without regarding the consequences to him. A man in this situation is doubly a slave, first to rum & then to the first designing person who pleases to make use of him.

In giving you the history of the pig club I have considerably digressed, I will however return to the subject. You ask me whether it would be desirable to join it. My opinion is this of all college societies. The society itself is not to be so much considered, as the persons who belong to the society. I would advise you to join every one to which you are invited, where the persons belonging to it are such as you would be pleased to associate with, I would join no other. You ought to be particularly on your guard, how you express an opinion of any society, whether you belong to it or not, you will make a great many enemies, by the least freedom of opinion in such cases. I shall expect you to make me a visit in the course of this month, if your conveniency will admit of it, I beg you not to disappoint me. Bring your Chum with you, if he would take pleasure in such a party.

In haste your affectionate brother

AMOS KENT

M<sup>r</sup> MOODY KENT

[Addressed]

M<sup>r</sup> Moody Kent

Student at Harvard College

To be left with M<sup>r</sup> Joseph Kent<sup>1</sup> }  
NewburyPort.

Cambridge

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<sup>1</sup> Joseph Kent of Newburyport was born 20 May, 1741, and died 19 July, 1802. He was the father of Amos and Moody Kent.



[Filed]

July 6<sup>th</sup> 1799 — No 9

Amos Kent

His Apology — Porcell.Club —

Its Hist. &amp; Character. Drinking

— His Adv about Coll. Clubs &amp;c

Dangers of excess &amp;c He invites

me & Parsons <sup>1</sup> to visit Chester

Mr. ALBERT MATTHEWS made the following remarks :

The matters to which I am about to call your attention are of trifling importance, but possibly are worth a passing notice. At the meeting of this Society held in March, 1902,<sup>2</sup> I communicated the English text of the diploma conferred upon Washington by Harvard College in 1776, copied from a contemporary Boston newspaper, and stated that, so far as I was aware, the English text had never been reprinted. A little later Mr. Kittredge called my attention to the fact that it was reprinted in 1850 by Joseph T. Buckingham.<sup>3</sup> It may be of interest to note that it was also reprinted in a London magazine as early as 1776.<sup>4</sup>

In February, 1904, Mr. Edes communicated a poem called A New Song, copied from a sheet printed presumably in 1788.<sup>5</sup> I have since ascertained that this poem was written by Jonathan Mitchell Sewall.<sup>6</sup>

There was printed in 1781 in a London magazine an article entitled The Sentiments of an American Woman, and signed An American Woman.<sup>7</sup> This article was an appeal to the women

<sup>1</sup> Charles Chauncy Parsons (H. C. 1801).

<sup>2</sup> Publications, vii. 328, 329.

<sup>3</sup> *Ibid.* vii. 328 note.

<sup>4</sup> Remembrancer for the Year 1776, iii. 260, 261.

<sup>5</sup> Publications, viii. 272, 273.

<sup>6</sup> It was printed, under the title of War and Washington, in Sewall's Miscellaneous Poems (1801), pp. 52, 53, and also in S. Kettell's Specimens of American Poetry (1829), i. 199, 200. There are some slight variations in the version as printed by Sewall and Kettell and as printed by us. A song to the air of War and Washington was printed in the Boston Gazette of 29 December, 1777, p. 4/1.

<sup>7</sup> Remembrancer for the Year 1781, xi. 286-288.

of America "to give up luxurious ornaments, that the money might be laid out for the soldiers." It is preceded in the London magazine by these words :

*The following letter, written by Mrs. WASHINGTON, wife of the General was read in the churches of Virginia, and the principal ladies of the several parishes engaged to collect the contribution of the fair sex who might be disposed to encourage the design.*

Mr. Worthington C. Ford writes me that this article was hitherto unknown to him, and considers that its attribution to Mrs. Washington is of doubtful authenticity.

In a communication made to this Society in February, 1904, the history of some sobriquets applied to Washington during his lifetime — Cincinnatus, the American Fabius, and the Father of his Country — was given.<sup>1</sup> It will perhaps not be without interest to show when his birthday was first celebrated. It may be surprising to some to learn that this was as early as 1782. It is possible that this is a belated date, for I have made no attempt to make a special investigation, and the extracts I shall quote are merely a few of many notes I have taken in casual examinations of newspapers. It will be observed that for a decade Washington's birthday was celebrated not on the 22d, but on the 11th of February. In a Boston newspaper of Monday, 18 February, 1782, we read :

Last Tuesday a large number of Gentlemen met at Mr. *Robinson's* Tavern on Milton Hill, to celebrate the anniversary Birth Day of His Excellency General WASHINGTON.—The Company were honored with the presence of General LINCOLN, and many other American officers of distinction.<sup>2</sup>

In a Boston paper of Monday, 16 February, 1784, it was stated that "Last Wednesday, His Excellency General Washington entered the 52d year of his age."<sup>3</sup>

In a Boston paper of 10 February, 1785, appeared the following :

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<sup>1</sup> Publications, viii. 275-287.

<sup>2</sup> Independent Ledger, 18 February, 1782, p. 8/2.

<sup>3</sup> *Ibid.* 16 February, 1784, p. 3/2.

*As the anniversary of the birth of the illustrious General WASHINGTON, is to be celebrated as usual, at Milton, to-morrow, to contribute to the hilarity of a day which is hoped will be annually observed, the following song is inserted, which was made in the city of New-York, for the entertainment of a select club of Whigs who assemble annually for the purpose.*

[Tune — God Bless America.]

Americans rejoice,  
While songs employ each voice,  
Let trumpets sound.  
The thirteen stripes display,  
In flags and streamers gay  
'Tis WASHINGTON's birth day,  
Let joy abound.

From scenes of rural peace,  
From affluence and ease,  
At freedom's call;  
A hero from his birth,  
Great Washington stands forth,  
The scourge of George and North,  
And tyrants all.

The silver trump of fame,  
His glory shall proclaim,  
Till time is done.  
Genius with taste refin'd,  
Courage with coolness join'd,  
'Bove all, an honest mind,  
Has WASHINGTON.

Those mighty chiefs of old,  
Cæsars and heroes bold,  
Who realms have won;  
Smit by his brighter blaze,  
Hide their diminish'd rays,  
And yield the palm of praise  
To WASHINGTON.

Long may he live to see  
This land of Liberty  
    Flourish in Peace;  
Long may he live to prove  
A grateful people's love  
And, late, to Heaven remove,  
    Where joys ne'er cease.

Fill the glass to the brink,  
WASHINGTON's health we'll drink,  
    'Tis his birth day.  
Glorious deeds he has done.  
By him our cause is won,  
Long live great WASHINGTON,  
    Huzza! Huzza!<sup>1</sup>

The information that the day was celebrated annually in New York is interesting, though it is difficult to believe that it could have been observed there for more than a year or so previous to the above date.

In the same year his birthday was celebrated in Boston as well as at Milton Hill:

Yesterday being the anniversary birth day of our late illustrious General, the same was celebrated in this town, and at Milton, by a number of undissembling patriots — A tribute chiefly due to his many virtues.<sup>2</sup>

It is probable that by this time the observance of the day had become general, for in 1785 an elaborate celebration took place in Vermont, as appears from the following notice:

BENNINGTON, February 14.

Friday last, being the anniversary of his Excellency General Washington's birth day, it was observed here by a number of gentlemen and ladies who collected to commemorate it. Inspired with a heartfelt gratitude for the magnanimity of the preserver of our freedom, and a sense of his meritorious achievements recent in the minds of all present, produced the happiest effects and "joy was elate."

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<sup>1</sup> Independent Chronicle, 10 February, 1785, p. 3/2.

<sup>2</sup> Massachusetts Centinel, 12 February, 1785, p. 3/1.

Several poetical pieces in honor of the illustrious Commander, were judiciously introduced between the intervals of the toasts, which diffused additional pleasure to the company. Every heart participated in this joyous occasion, and the conviviality was replete with true decorum.

After dinner the following toasts were drank.

- 1st. *His Excellency General Washington; and may America ever hold grateful impressions for his unparalleled services.*
- 2d. *The United States of America.*
- 3d. *The King of France and the friendly powers who generously stepped forth for the defence of American Liberty.*
- 4th. *The Continental Congress.*
- 5th. *The Governor and State of Vermont.*
- 6th. *The army of the United States, who persevered in the cause of liberty and obtained freedom for America, at the risk of a halter from a merciless enemy.*
- 7th. *Col. Warner,<sup>1</sup> and the immortal memory of the brave who fell in the cause of their country.*
- 8th. *The battle of Bennington.*
- 9th. *The volunteers of Ireland.*
- 10th. *Wisdom to the senators who may be appointed for the revision of our constitution.<sup>2</sup>*
- 11th. *Dr. Price.<sup>3</sup>*
- 12th. *Trade and Agriculture*
- 13th. *Arts and Manufactures.*
- 14th. *Mirth and good fellowship, attached to liberality of sentiment.<sup>4</sup>*

It will be remembered that Vermont was not admitted to the Union until 1791. In 1786 a new feature was introduced at Boston:

Last Saturday [11 February], being the anniversary of the birth-day of GEORGE WASHINGTON, Esq; the day was noticed here by a discharge of cannon, &c. A circumstance which then occurred, being singular, may deserve notice — About 10 o'clock, the scholars of the

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<sup>1</sup> Seth Warner (1743-1784).

<sup>2</sup> A constitutional convention was held at Manchester, Vermont, in June and July, 1786. See Records of the Governor and Council of the State of Vermont, i. 84, iii. 110 note.

<sup>3</sup> Richard Price (1723-1791).

<sup>4</sup> Massachusetts Centinel, 5 March, 1785, p. 3/2.

several publick schools in town, to the number of two or three hundred, proceeded into State-Street, where they testified their respect for the day, on which was born the Deliverer of their Country, by repeated huzzas; after which they returned to their several schools. On Monday the day was celebrated as usual at Milton — when and where were conspicuous, that joy, conviviality and true decorum, which the remembrance of the virtues of the illustrious American Cincinnatus, must ever diffuse in the breasts of freemen.<sup>1</sup>

This pleasing custom appears to have become a fixture, for in 1788 we read:

Monday last [11 February], being the anniversary of the birth-day of his Excellency the President of the late Federal Convention, the great and good WASHINGTON — agreeably to annual custom, the pupils of the several publick writing schools in this town, to the number of 500, proceeded in files, from the school in Court-Street,<sup>2</sup> into State-Street, where, having formed a hollow-square, they gave three huzzas in honour of the day.<sup>3</sup>

We next learn how the day was celebrated in Philadelphia in 1789:

The anniversary birth-day of President WASHINGTON, was celebrated in Philadelphia by the ringing of bells, discharging of cannon, and in the consummation of that felicity which genuine federalism cannot fail to bestow. Thirteen toasts were drank the 1st and 2d, that

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<sup>1</sup> Massachusetts Centinel, 15 February, 1786, p. 3/1.

<sup>2</sup> Mr. Henry H. Edes informs me that this building stood in Scollay Square between the headhouse of the East Boston tunnel and the subway station the entrance to which covers a portion of the site. A schoolhouse was on or very near this site as early as 1684, when John Cole was engaged "to keepe a Free Schoole to teach y<sup>e</sup> Children of the Towne to read & write;" and in 1698 it was mentioned as "the New School house at Cotton Hill" (Boston Record Commissioners' Reports, vii. 171, 226, 227, 282). It was enlarged in 1715; and in 1720 a committee was charged by the Selectmen with fencing in the yard, digging a well, and placing a pump therein (*Ibid.* viii. 110, 113, xiii. 74). The well, long disused, was discovered in the winter of 1904 by workmen who were digging for the foundations of the headhouse. See an article on the Old School House and Well in Scollay Square, in the Boston Sunday Globe of 28 February, 1904, p. 20/3; and a Plan showing the site of the building and well in the office of the Surveying Division of the Street Department of the City of Boston.

<sup>3</sup> Massachusetts Centinel, 16 February, 1788, viii. 177/2.

WASHINGTON and ADAMS might be President and Vice-President — and the rest, catholick and federal.<sup>1</sup>

In a Boston paper of 12 February, 1791, appeared the following account:

*PRESIDENT'S BIRTH DAY.*

Yesterday, being the anniversary of the birth-day of our beloved President, the same was celebrated by a great number of respectable characters in this, and the adjacent towns. A federal discharge of cannon saluted the morn, which with a display of flags, &c. distinguished the day. A large number of gentlemen dined at Concert-Hall — after dinner a number of federal and sentimental toasts were drank, and the close of the day demonstrated that genuine festivity is not incompatible with strict decorum and true republicanism.<sup>2</sup>

In 1792 the 11th of February was still the day of celebration,<sup>3</sup> but in a Boston newspaper of 23 February, 1793, we are told that "the President's Birth-Day, Was yesterday celebrated in this town;"<sup>4</sup> and in a Boston paper of 11 February, 1795, we read:

☞ On this day, old style, the President of the United States was born. Of late it has been customary to notice it on the 22d.<sup>5</sup>

It was not unusual in this country in the eighteenth century to celebrate the birthdays of the Sovereigns of England and of the various American Governors, but so far as I am aware the only person, not a sovereign or a governor, whose birthday was regularly celebrated during his lifetime was Washington. At all events, the extracts which have been cited are evidence of the veneration in which he was held.

Mr. ANDREW MCFARLAND DAVIS commented upon the frequency with which the title of His Excellency was applied

<sup>1</sup> Massachusetts Centinel, 28 February, 1789, x. 193/1.


<sup>2</sup> Columbian Centinel, 12 February, 1791, xiv. 175/3. The day was celebrated at Providence, Rhode Island, in 1792; at Hallowell, Maine, in 1793; at Salem and Hingham in 1793; and in Virginia in 1795.

<sup>3</sup> Columbian Centinel, 11 February, 1792, xvi. 174/4.

<sup>4</sup> *Ibid.* 23 February, 1793, p. 3/1.

<sup>5</sup> *Ibid.* 11 February, 1795, p. 2/4.

to Washington; and called attention to a passage and a marginal note in Adam Anderson's *Historical and Chronological Deduction of the Origin of Commerce*, published in 1764. After referring to the suggestion made by Sir Robert Cotton in 1609, and put into practice by James I. in 1611, of creating the "new Dignity of Baronets," as a means of furnishing revenue for the Sovereign, Anderson, having in mind the American Colonies of the period at which he wrote, proceeds to make the following comment:

 In Case of a settled Peace in *America*, might not a *new* Degree of Honour, (or perhaps an *old* one, limited to our Island and Continent Plantations) raise a considerable Sum, to be applied solely for making the most needful Improvements in our several Colonies?<sup>1</sup>

Mr. FRANCIS H. LEE exhibited the following portraits and relics of Washington: (1) A portrait, by an unknown artist, bearing the legend, Wisdom supported by Liberty, Presenting Gen<sup>l</sup> Washington, a Code of Laws for Establishing American Independence, published in London 5 November, 1801;<sup>2</sup> (2) A portrait, of which the head was after Stuart, designed and drawn by Dr. Charles Buxton and engraved by Cornelius Tiebout;<sup>3</sup> (3) A portrait executed from a portrait by Rembrandt Peale and engraved by David Edwin;<sup>4</sup> (4) A fragment of patch, bearing the portrait of Washington, taken from a piece which covered a sofa early in the last

<sup>1</sup> In the margin are these words: "A new hereditary Dignity proposed in the *British* Plantations; for the Benefit of Improvements there" (i. 474). This allusion escaped the late Mr. Toppan's search; see his paper on the Failure to Establish an Hereditary Political Aristocracy in the Colonies, in the Publications of this Society, iii. 407-411.

<sup>2</sup> It is described by C. H. Hart in his Catalogue of the Engraved Portraits of Washington (1904), No. 786, p. 332.

<sup>3</sup> It is described by W. S. Baker in his Engraved Portraits of Washington (1880), No. 407, p. 192.

<sup>4</sup> It is described by Baker (*Ibid.* No. 9, pp. 20, 21), who inclines "to the opinion that the lettering is incorrect, and that it is really after one of Charles Willson Peale's later portraits."



century; (5) A gold medal given to the Hon. Leverett Saltonstall (H. C. 1802) by a Southern Member of Congress, when Mr. Saltonstall was a Representative from Massachusetts. The obverse of this medal is a bust in uniform, facing the left, within a wreath of laurel leaves, and bears the legend, HE IS IN GLORY, THE WORLD IN TEARS. The reverse has a skull and bones at the base, and bears the legend, in four concentric lines, B. FEB. II. 1732. GEN. AM. ARMIES, 1775. RE. 1783. PRES. U. S. AM. '89. R. '96. GEN. ARM. U. S. '98. OB. D. 15. '99.<sup>1</sup>

Mr. EDES communicated the following letter of Washington:

PHILAD<sup>A</sup> 27. Jan 1794

SIR,

Just before I left Mount Vernon in October last, I wrote to you respecting the discharge of a bond of yours assigned to me by Mr. Jn<sup>o</sup> Lewis, for £146.13.4, payable with interest the 18 day of May .93; but as I have not heard from you on the subject, I presume the letter never reached your hands. My want of money urges me, Sir, to beg that you will cause the bond to be discharged with all convenient dispatch.

I am, Sir,

Your &c

G<sup>o</sup> W——N

M<sup>r</sup> Jn<sup>o</sup> COWPER  
Suffolk<sup>2</sup>

[Filed]

To M<sup>r</sup> Jn<sup>o</sup> Cowper  
27 .th Jan: 1794

<sup>1</sup> This medal was issued in gold, silver, and tin. In gold, it is declared by Baker to be "excessively rare." Baker states that the die for it was executed by Jacob Perkins of Newburyport, and asserts that the medal "is said to have been struck for, and worn in, the . . . Masonic demonstration [at Boston] of February 11, 1800, attended by sixteen hundred brethren" (Medallic Portraits of Washington, 1885, No. 165, pp. 77, 79). For sketches of Jacob Perkins, see Mrs. E. Vale Smith's History of Newburyport (1854), pp. 378-380; W. S. Baker American Engravers and their Works (1875), pp. 129-135.

<sup>2</sup> Presumably Suffolk, Nansemond County, Virginia.



*[Faint, illegible text or markings]*

COMMONWEALTH OF MASSACHUSETTS

IN SENATE,  
January 10, 1906.

REPORT  
OF THE  
COMMISSIONER OF THE  
DEPARTMENT OF  
INDUSTRY AND  
LABOR.

FOR THE YEAR  
ENDING DECEMBER 31, 1905.  
BOSTON: 1906.

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LABOR  
BOSTON  
1906

1

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THE  
COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF INDUSTRY AND  
LABOR  
BOSTON  
1906



*Exchanged for the Colonial Society of Massachusetts  
from an original in the possession of  
Thomas Henry Lee Esquire*



The Rev. HENRY A. PARKER read the following paper on —

#### THE REVEREND FRANCIS DOUGHTY.

The Rev. Francis Doughty came to the Bay Colony probably in 1688 and is first known in America as an inhabitant of Dorchester.<sup>1</sup> He was the son of Francis Doughty, merchant, at one time an alderman of Bristol, England, who made his will 16 May, 1684,<sup>2</sup> he being then of Hampsteed in the parish of Oldsbury, Gloucestershire.<sup>3</sup> His son, the emigrant, signs the will as witness "Fr: Doughtie, minst," and this is the earliest record that has been found of him. He was neither of Oxford nor of Dublin University. In 1684 he was married and had three children, Mary, Francis, and Elias, who, as also his wife Bridget,<sup>4</sup> were afterwards with him here. The day before he made his will, Alderman Doughty executed a deed of trust of his farm at Hampsteed for

<sup>1</sup> "Me Franciscū Doughty De Dorcestria in N. A. plantator' tener' &c. Henrico Webb in quingentis libris &c. Dat 29. 5. 1689. Coram Johe Winthrop gub. & meipō" (T. Lechford's Note-Book, p. 137).

<sup>2</sup> The will of Alderman Doughty mentions, besides son Francis and daughter Elizabeth, Spencer Achley, son of daughter Frances; John Daues, son of daughter Margaret; and Mary, Francis, and Eliah [Elias], children of son Francis (H. F. Waters, *Genealogical Gleanings in England*, i. 820). Alderman Doughty had also a son Jacob, who died about 1684 (Lechford's Note-Book, 1867, p. 110), and a brother Robert Doughty who died not later than 1637, leaving a widow Margaret (*Ibid.* p. 88). There was a John Doughty at Bristol, successively sheriff (1606), alderman, mayor, and member of Parliament (1628), who was probably the John Doughty, one of the patentees of the London and Bristol Adventurers for Colonizing Newfoundland (1610). This man, presumably a relative, died in 1628 or 1629. Doughty or Doughtie was not a Gloucestershire family. It is asserted in Bolton's *History of the County of Westchester, New York*, that the refugee was descended from "the Doughtys or Douveys of Easher Surrey, and Boston, Lincolnshire, England, descended from an English Saxon house of Dohteg, before the conquest" (ii. 414). Mr. Bolton is not critical in such matters. The family names would perhaps point to descent from Doughtys of Hanworth, County Norfolk; it is clearly not a Gloucestershire family.

<sup>3</sup> "A farme called Hamsted farme . . . worth 2000 l at the least" (Lechford's Note-Book, p. 111). There is Oldbury-on-the-Hill on the east border of Gloucestershire, and Oldbury-on-Severn, each with its Roman camp.

<sup>4</sup> It is not expressly stated that Elizabeth Cole's "sister" is her sister-in-law and her brother Francis' wife, but so it seems.

ten years, for the payment of certain sums ; subject to this trust the leasehold farm was left to his son Francis ; and his daughter, Elizabeth, then unmarried, was left sole executrix. This daughter Elizabeth afterwards said that her brother was "in his fathers displeasure" and that she had induced her father to make his will as he did at the solicitation of her brother, who promised that thus it should turn out more to her advantage.<sup>1</sup>

The next that is known of the refugee is that on All Saints' Day (1 November), 1635, he preached at the "Chapel of Wapping," and in his bidding prayer before the sermon took occasion to commit a blazing indiscretion, calculated to be almost as annoying to the Puritans as it was offensive to their opponents. An English canon of 1603 provides for the "Bidding Prayer" thus :

Before all sermons, lectures, and homilies, the preachers and ministers shall move the people to join with them in prayer, in *this form or to this effect*, as briefly as conveniently they may : "Ye shall pray for CHRIST'S Holy Catholic Church, that is, for the whole congregation of Christian people dispersed throughout the whole world, and especially for the Churches of England, Scotland, and Ireland. And herein I require you most especially to pray for the king's most excellent Majesty, our Sovereign Lord James [Charles], King of England, Scotland, France, and Ireland, defender of the faith, and supreme governor of these his realms, and all other his dominions and countries, over all persons, in all causes, as well ecclesiastical as temporal, *etc.*"<sup>2</sup>

What Mr. Doughty called the King, at Wapping, was, "Charles by common election and general consent King of England." This coming to the notice of the High Commission, was not considered "to the same effect" as the words of the canon. Accordingly, we find him before that court : on 28 January, 1635-36, he "appeared and took oath ;"<sup>3</sup> and on 4 February was "pronounced contumacious for non-appearance, his punishment being reserved till next court day,"<sup>4</sup> — when he seems to have appeared, for, on 11 February it was ordered that the "defendant is to satisfy the

<sup>1</sup> Lechford's Note-Book, p. 110.

<sup>2</sup> W. F. Hook, Church Dictionary (1846), p. 121.

<sup>3</sup> Calendar of State Papers, Domestic, 1635-1636, p. 471.

<sup>4</sup> *Ibid.* p. 479.

Bishop of London [Juxon] within a month."<sup>1</sup> On 18 February he desired "his petition to be read;"<sup>2</sup> it was "referred to the Bishop of London," and on 5 May Mr. Doughty "gave up the following submission which he desired might be accepted:"

The humble submission of Francis Doughty, clerk. Whereas it is charged upon me that in a prayer before my sermon upon All Saints Day last past, in the chapel of Wapping, instead of giving his sacred Majesty his just and royal title, according to the canon in that case provided, I used these words, 'Charles, by common election and general consent King of England,' I protest that I did not intend or premeditate any such detestable words, and if through inadvertency I let any such fall, I am heartily sorry, and most humbly beseech his Majesty's gracious pardon, professing and acknowledging from the bottom of my heart, that his Majesty's crown and dignity is most justly descended unto his sacred person by lineal succession and inheritance, and shall daily pray that it may continue in his royal line to many generations. London, February 19th, 1635.<sup>3</sup>

This submission the court accepted, and having admonished him "to beware how he let slip any undutiful speeches against his Majesty's church or state, dismissed him." Mr. Doughty seems thus to have escaped rather easily from a really dangerous situation.

The next notice we have of him is in a letter of 6 April, 1637, from Algernon Percy, Earl of Northumberland, to Sir Thomas Roe. The Earl, writing from London, says that he —

has only seen the Archbishop of Canterbury once since his coming out of the country; will take occasion to say something to him concerning Mr. Doughtie: who is going to settle himself upon two small livings which he has.<sup>4</sup>

When before the High Commission, Mr. Doughty was vicar of Sodbury,<sup>5</sup> Gloucestershire, and this letter would seem to indicate that he had been deprived of that benefice; unless indeed it

<sup>1</sup> Calendar of State Papers, Domestic, 1635-1636, p. 487.

<sup>2</sup> *Ibid.* p. 496.

<sup>3</sup> *Ibid.* p. 505.

<sup>4</sup> Calendar of State Papers, Domestic, 1636-1637, p. 557.

<sup>5</sup> There were three Sodburies, close together: Little Sodbury, where the incumbent was a rector; Chipping Sodbury; and Old Sodbury, where the clergymen were vicars. Old Sodbury seems more likely to have been meant by the word Sodbury.



was some other Mr. Doughtie<sup>1</sup> the Earl was purposing to settle in the two small livings. For the intervening time the acts of the Court of High Commission are lost, otherwise we should probably find an account of his trial for that nonconformity for which Doughty is said to have left England. The time of his coming to America is not known, but his name appears as one of the forty-six ancient purchasers at Cohannet. Mr. Emery argues that this purchase was made in 1638, not in 1637 as others have stated.<sup>2</sup> Mr. Doughty was in the Bay Colony in the summer of 1639, though then purposing, as his sister thought, to leave this jurisdiction. It does not appear that there was any bad feeling between him and the magistrates here, but he was in serious trouble nevertheless, for his sister Elizabeth, executrix of his father's estate, having in the meantime been married to William Cole of Sutton, Chew-Magna, Somersetshire, came here also, with her husband, and entered suit for a considerable amount, which she claimed her brother owed her, in equity, if not in law, from the settlement of her father's estate.<sup>3</sup> Mr. Lechford took up her cause as advocate with a rather indiscreet zeal which got him into serious trouble with the magistrates, who disciplined him for approaching the jury out of court in his client's behalf. The details of the case are known only from Mr. Lechford's Note-Book and are not easy to understand, but fortunately it is not necessary for us to retry the case. Throughout the protracted litigation concerning Mrs. Cole's claims against her brother, the officials of the Colony seem to have been scrupulously anxious to be both just and merciful. In the complaint of the Coles is the following request :

And because the said Compl<sup>ts</sup> have not such exact prooffe of the premises as the Law requires therefore they humbly pray that the said Francis [Doughty] may be enjoyned to answer the premises and every parte thereof in writing upon his oath.<sup>4</sup>

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<sup>1</sup> On 12 January, 1635-36, Henry Doughty, clerk, vicar of Meriden, County Warwick, was before the High Commission on some charge not named (Calendar of State Papers, Domestic, 1635-1636, pp. 468, 472).

<sup>2</sup> S. H. Emery, *Ministry of Taunton* i. 18, 37.

<sup>3</sup> For a general statement of Mrs. Cole's claim in this first case against her brother, see Lechford's Note-Book, p. 110.

<sup>4</sup> Lechford's Note-Book, p. 173.

Whether the court complied does not appear. This case was tried before a jury, at the quarter court, September, 1639.

On 3 September of the next year, 1640, was tried another suit of the Coles against Francis Doughty, concerning a deed of trust made between the Coles, before marriage, and Francis and Bridget Doughty.<sup>1</sup> The jury found for the defendant, and Doughty was given £10 costs. Doughty then, at the same session of the court, sued the Coles "for unjust molestation," asking to have the before-mentioned deed of trust delivered into the court and cancelled; the jury found for Doughty with costs, and "thereupon y<sup>e</sup> judgm<sup>t</sup> of y<sup>e</sup> Co<sup>r</sup>t<sup>e</sup> was accordingly y<sup>t</sup> y<sup>e</sup> said deed indented should be cancelled;" but as Mrs. Cole, who was chiefly interested in the deed and had procured "y<sup>e</sup> said Doughty to be arested," was not present with her husband at the trial, the court respited the cancelling of the bond for eight months, to give the Coles opportunity, if they wished, to show cause why the indenture should not be cancelled. As they did not appear, the deed was cancelled by order of the court in May, 1641.

Meanwhile, Mr. Doughty was in Cohannet, hoping, I suppose, to be received as a minister, or, at least, to be allowed there the privileges of a church member, which, owing to his more liberal opinion concerning the baptism of children, and, probably, from his Presbyterian leanings, he could not have acquired in the Bay Colony. Cohannet was organized in the autumn of 1638, and it seems that the name was changed to Taunton and that the church there was organized, after the strictest Bay Colony model, in the end of the year 1639 or the beginning of 1640. At this organization Mr. John Wilson and Mr. Richard Mather with some others were present to "give the right hand of fellowship." Lechford's account is as follows:

*Cohannet, alias Taunton, is in Plymouth Patent. There is a Church gathered of late, and some ten or twenty of the Church, the rest excluded. Master Hooke Pastor, master Strete Teacher. Master Hooke*

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<sup>1</sup> "The Answer & Complaint" of Mrs. Cole, "Boston (4). 25. 1640," are in Lechford's Note-Book, p. 150. Mr. Doughty's brief letter to Governor Winthrop asking what to do about it, is in 5 Massachusetts Historical Collections, i. 308. For a general account of the trial and result, see Massachusetts Colony Records, ii. 205-207. See also Records of the Court of Assistants (1906), iii. 5 note.

received ordination from the hands of one *Bishop* a Schoolmaster, and one *Parker* an Husbandman, and then master *Hooke* joyned in ordaining master *Streate*. One master *Doughty*, a Minister, opposed the gathering of the Church there, alleadging that according to the Covenant of *Abraham*, all mens children that were of baptized parents, and so *Abrahams* children, ought to be baptized; and spake so in publique, or to that effect, which was held a disturbance, and the Ministers spake to the Magistrate to order him: the Magistrate commanded the Constable, who dragged master *Doughty* out of the Assembly. He was forced to goe away from thence, with his wife and children. . . . And being a man of estate when he came [to] the country, is undone.<sup>1</sup>

This is the incident which Mr. Brodhead represents thus: "Francis Doughty, a dissenting clergyman, while preaching at Cohasset,<sup>2</sup> was dragged out of the assembly for venturing to assert that 'Abraham's children should have been baptized.'"<sup>3</sup> This is inaccurate and hardly intelligible. However, Mrs. Lamb follows Brodhead almost verbatim.<sup>4</sup> What Lechford means by saying

<sup>1</sup> Plain Dealing, J. H. Trumbull's edition (1867), pp. 90-92.

<sup>2</sup> Cohasset (Indian name Quonahassit or Conohasset), formerly part of Hingham, was incorporated into a district 26 April, 1770 (Manual of the General Court, 1905, p. 154).

<sup>3</sup> History of the State of New York (1853), i. 333.

<sup>4</sup> History of the City of New York (1877), i. 104, 105. Mr. B. F. Thompson, in the second edition of his History of Long Island (1843), seems to have started this "Cohasset" preacher, who has ever since been confusing the New Yorker and confounding the New Englander, in spite of the careful account of Mr. Doughty given by the learned and accurate Mr. Riker in his Annals of Newtown (1852), pp. 17-25. Mr. Thompson does not mention Mr. Doughty or the Mespat settlement in his first edition, but has acquired abundant misinformation for the second edition, a part of which is as follows:

Francis Doughty . . . came to Long Island in 1644, and was the first minister of Flushing, probably a baptist, but afterwards turned Quaker. . . . This was the same Francis Doughty who was at Cohasset in 1642, and mentioned by Leechford in his "News from New England," as being dragged out of a public assembly, for asserting that Abraham's children should have been baptized (ii. 70 and note).

Brodhead follows in 1853, and the Rev. G. H. Mandeville in his Flushing, Past and Present (1860), has improved on Mr. Thompson thus:

Francis Doughty . . . seemes to have preached at Taunton, Mass., and "for declaring that Abraham ought to have been baptised," he was by order of the Magistrates dragged by the Constables out of the public assembly and soon after was compelled to leave with his children. He also preached at Liun, Mass., where he denied baptism to

that Mr. Doughty "was forced to go away" from Taunton is not quite clear. Doughty was not banished, but he was not made a freeman, his office as minister was not recognized, and he was not allowed the privileges of a church member, and it may be that he was otherwise made uncomfortable. At a General Court at Plymouth 2 March, 1640, his servant was set in the stocks "for swearing profanely" and he himself was fined thirty shillings for selling a pound of powder to the natives.<sup>1</sup> This was a large sum; of the eight towns in the Plymouth Patent four including Taunton paid but fifty shillings each by general levy for the officers of the Patent. This fine was allowed by the General Court, on petition of Taunton, to that town on condition of their building

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infants. This doctrine could not be tolerated in that puritanical atmosphere (pp. 105, 106).

Mrs. Lamb follows in 1877, and in 1885 G. W. Schuyler tells of this same "minister at Cohasset" and "preacher at Cohasset" as "torn from his pulpit" and "rudely expelled," "because of some doubtful expressions in his sermon" or "because of some expressions which sounded like heresy" (Colonial New-York, ii. 29, 91). And still the tale goes on. Mr. B. Tuckerman in 1893 speaks of "Francis Doughty, expelled from Cohasset for preaching that Abraham's children should have been baptized" (Peter Stuyvesant, p. 30). And in 1896 we still read of this "Cohasset" victim of New England intolerance, that "his chief heresy was the assertion that Abraham's children should have received the rite of baptism" (Miss Martha B. Flint, Early Long Island, p. 163 and note).

Mr. Doughty's contention was, of course, as Lechford clearly stated, that the children of *all* baptized Christians ought to be baptized; that baptism should not be refused to those whose parents had neither of them been admitted to membership ("full covenant relation") in a local church organization on the Congregational model. And the occasion of his protest was the organization of the Cohannet church, at which a "covenant" was to be adopted. Doughty wished to have this restriction excluded, or possibly to have an express provision for the baptism of the children of all Christians inserted. The mention of "Abraham's children" was a theological argument and illustration in favor of his contention, then easily understood by every one, — compare Galatians, iii. 27-29.

<sup>1</sup> Plymouth Colony Records, ii. 8. And after he was settled in Mespat. We find that at the General Court at Plymouth held 6 June, 1643, —

John Gilbert, Jnr; compins ag<sup>st</sup> M<sup>r</sup> Francis Doughty, in an action of trespas vpon the case, to the da<sup>m</sup> xx<sup>s</sup> [omission in record] bushells of corne attached by the constable of Taunton; the deffent made no answers. The Court awards the corne to the pitiff, onely Thomas Gilbert promiseth to make it good if the debt be not proued (*Ibid.* vii. 35).

a passable road through the swamps to Plymouth. Seven years later the General Court demanded the return of that thirty shillings or the making of the road which Taunton had not made.<sup>1</sup> Lechford, arguing that the magistrates *enforced* the decisions of the ministers, says, "was not . . . master *Doughty* forced to the Island of *Aquedney*;" and in a paper probably written by Doughty's son-in-law, we read that in coming to New England to escape trouble in England he "found that he had got out of the frying-pan into the fire." The same thing might possibly be said of his change from New England to New Netherland. For as Mr. Trumbull remarks, "He failed . . . 'to secure that happy home,' which (Mr. Brodhead tells us) he came, from persecutions in Massachusetts, to seek."<sup>2</sup>

I do not know how Mr. Doughty got on at Newport, Rhode Island.<sup>3</sup> He seems to have been on the Island at least a year, and his name appears in the Newport records, which I have had no opportunity to examine. But he was not likely to be pleased, however the Rhode Islanders treated him, with that common

<sup>1</sup> Plymouth Colony Records, ii. 17, xi. 37.

<sup>2</sup> Lechford, *Plain Dealing*, p. 92 *note*.

<sup>3</sup> Lechford, writing of the Island of Aquedney, says:

The place where the Church was, is called *Newport*, but that Church, I heare, is now dissolved; . . . At the other end of the Island there is another town called *Portsmouth*, but no Church: there is a meeting of some men, who there teach one another, and call it *Prophesie*;

and in the Massachusetts Historical Society Manuscript quoted by Trumbull in a note:

There is Mr. *Lenthall* a minister out of office and imployment, and lives very poorly. Mr. *Doughty* also is come to this Island. . . . He [*Lenthall*] stood upon his ministrie and against the Church Covenant in the Bay, and diverse joyneing to choose him their minister at Weymouth, by subscribing to a paper for that end, he was censured in the generall Court at Boston, and so were they that joyned in that election, and one of them named *Brittaine* for words saying that some of the Ministers in the Bay were Brownists, and that they would not [*sic*] till it came to the swords point, was whipt, and had eleven stripes (*Plain Dealing*, p. 94 and *note*).

In fact, I take it, Doughty and Lenthall were Presbyterian Nonconformists, or inclined to that opinion, and that Doughty tried at Taunton to do very much what Lenthall succeeded in carrying somewhat further at Weymouth. Lenthall returned to England in 1642, the same year that Doughty went to Long Island, and is probably the same Robert Leynthall who was "of Oxon, cler. fil. ORIEL COLL., matric. 17 Oct., 1611, aged 14; B. A. from ALL SOULS' COLL. 8 July, 1619, rector of Aston Sandford, Bucks, 1627, and of Great Hampden, Bucks, 1643" (J. Foster, *Alumni Oxonienses*, iii. 902).

refuge which his friends the Dutch ministers called the latrina of New England. With the record of his having sold twelve acres of land at Taunton, his connection with the Old Colony ceases. From Rhode Island he betook himself to New Amsterdam, where he was well received by Director Kieft, who was then promoting emigration from New England. Doughty took the oath of allegiance and received on 28 March, 1642, a patent for 13,332 acres<sup>1</sup> at Mespat (Newtown), Long Island. Here he was joined by Richard Smith and others of his friends. They had for neighbors the settlements of Mrs. Hutchinson at Annie's Hoeck and of John Throgmorton at Throg's Neck, and Lady Deborah Moody with her Baptists from Salem at Gravensande,<sup>2</sup> —all together involved in common disaster when in September, 1643, the Indians unexpectedly attacked them. The Newtown settlement then numbered over eighty persons, some of the men were killed and most of their houses burnt and their cattle killed.<sup>3</sup>

<sup>1</sup> "In area ūa continentem sex millia sexcenta sexaginta sex jugera Hollandica, aut circiter ignographice inclusum," etc. (Riker, *Annals of Newtown*, p. 413). A Dutch acre is said to be a little less than two English acres, and this patent "embraced nearly the whole of the present town of Newtown" (*Ibid.* p. 17). The Indian name for Newtown, sometimes written Mespachtes by the Dutch, was usually shortened to Mespat, and in modern days has been corrupted to Maspeth (*Ibid.* p. 13 note).

<sup>2</sup> Soon corrupted, as now, to Gravesend.

<sup>3</sup> Mr. Doughty's affairs became of much consequence in New Netherland and of some importance in Holland. We have three sources of information: (1) Remonstrance of New Netherland, 28 July, 1649; (2) The answer made by Stuyvesant's Secretary to this attack on him; (3) Some court records. The court records are meagre so far as they are found in print. The Remonstrance and reply are, as is to be expected, largely contradictory. The leader of the men who took over the Remonstrance was Adriaen van der Donck, a man of education far beyond most of the colonists and of excellent character and understanding. He had married Mary Doughty 22 October, 1645, and was thoroughly informed in all the matters concerned. He is supposed to have written the Remonstrance. While he cannot be considered unbiassed, he was yet under no compulsion to make any statements or bring forward any matter he did not wish, while Stuyvesant's agent had to answer point by point, and that was not easy. Where there is contradiction the presumption then seems in favor of the correctness of the Remonstrance. The Remonstrance was for relief from the tyranny of the Directors General. Kieft had been a "grafter," a fool and a tyrant; Stuyvesant, honest and no fool, was a tyrant and not scrupulous. Doughty's experiences were related as one instance of a man

Doughty and his settlers escaped to New Amsterdam, where he acted as minister to the English and where he is said to have founded the first Presbyterian church. The Newtown people made a half-hearted attempt to return to their patent during the Indian war, and after it was concluded in 1645 Mr. Doughty and others went back to Newtown, but soon fell out over property rights, Mr. Doughty claiming a sort of patroonship. Kieft decided against Doughty, giving him only his private farm, on his appealing disallowed the appeal, and condemned Doughty to twenty-four hours' imprisonment and a fine of twenty-five guilders, and he was kept in jail until the fine was paid. He removed to Flushing in 1646 or 1647, where again he was the first minister. O'Callaghan calls him an Independent, but the Dutch ministers writing with full knowledge and of this very point say that he and Denton<sup>1</sup> were Presbyterians. The Flushing people, among whom later was Captain John Underhill who, whatever his faults, seems to have saved Manhattan in the Indian wars (1643-1645), promised Mr. Doughty one hundred guilders salary.

Meantime trouble arose again from Mrs. Cole. She and her husband seem to have gone to Wheelwright's settlement at Exeter, New Hampshire, but in 1644 they were again in Boston, petitioning the General Court to reopen their case, and on 29 May, William Cole her husband having lately died, Mrs. Cole so far prevailed that she was "alowed a bill of reveiw in the action . . . whereby her deede that was cancelled may be made good, as before

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who had suffered from both Directors, and the object of the answer was to deny the charges, or at all events to discredit him. All that is alleged against him is his alleged poverty when he first came, which is probably exaggerated, his alleged debt to the Company — given as a reason for not allowing him to go away, — and the assertion that he had no rights in the Mespat patent except to a farm, — which seems clearly false. He and his associates unnamed in the patent appear to have had equal rights. For the Remonstrance of New Netherland, the Short Digest of the Excesses and highly injurious Neglect, the Answer of the West India Company to the Remonstrance, and Secretary van Tienhoven's Answer to the Remonstrance, see Documents relative to the Colonial History of the State of New York, particularly, i. 305, 310, 311, 334, 335, 341, 426, 427. For an account of van der Donck by O'Callaghan, see *Ibid.* i. 532 note.

<sup>1</sup> Richard Denton of Wethersfield and Stamford, Connecticut, and about 1644 of Hempstead, Long Island.

the cancelling thereof."<sup>1</sup> Then she seems to have given the Colony a rest for three years; but in the spring of 1647 she obtained from the General Court an order for the Secretary to write and send by special messenger to Doughty a letter saying that —

though nothing was shewed, in y<sup>e</sup> 6 months limited by y<sup>e</sup> Co<sup>r</sup>te of Assistants, why y<sup>e</sup> deede should not be canceled, nor nothing since w<sup>ch</sup> may cause us to question y<sup>e</sup> form<sup>r</sup> verdi<sup>t</sup> & iudgm<sup>t</sup>, yet, etc.,<sup>2</sup>

and desiring Mr. Doughty to come himself or to send the Court an authentic copy of the deed of release, or other instruments or evidences which in court he formerly produced, that the court may review the case, and saying further that if he does not come within six months the court is resolved to proceed as best they may in the matter. He did not appear; and in November, out of consideration for the widowhood and poverty of this persistent woman, the General Court, asserting that the Court of Assistants had done her no injustice and had followed the law of England and the laws and custom of the Colony, nevertheless annulled the cancellation of the before-mentioned deed so far as the power and credit of the General Court may prevail and further provided that "y<sup>e</sup> order shalbe exemplified und<sup>r</sup> the seale of this colony, if y<sup>e</sup> petition<sup>r</sup> shall so desire."<sup>3</sup>

Mrs. Cole still pursued the Court: which, though manifestly losing patience, on 18 October, 1648, agreed<sup>4</sup> to endeavor to procure Mr. Doughty's return to Boston to answer if Mrs. Cole would put up good security to pay charges and possible damages. In May, 1649,<sup>5</sup> she petitioned the Court again in the same matter. Finally, in May, 1650, the Court answered that they had done what they conceive is fully just under which the petitioner "ought to rest herself satisfied nor can they further act therein."<sup>6</sup>

<sup>1</sup> Massachusetts Colony Records, ii. 74.

<sup>2</sup> *Ibid.* ii. 191; iii. 138, 139.

<sup>3</sup> *Ibid.* ii. 205-207.

<sup>4</sup> *Ibid.* ii. 257.

<sup>5</sup> *Ibid.* ii. 272.

<sup>6</sup> *Ibid.* iii. 190. Mrs. Cole's name appears again on these records three times. On 16 October, 1650, "being visited with longe & sore sicknes, & hauing spent all her estate," she petitions for help and is granted £20 (*Ibid.* iii. 217). On 14 October, 1651, John Lewes petitions for fifty shillings expended for her "mayntenance" and it is granted, "it beinge the last the



In May, 1647, Stuyvesant the new autocrat arrived in New Amsterdam, and considering that his own authority was involved, promptly took sides against the colonists and in support of the actions of the retiring Director Kieft. In some degree he favored Doughty, even as was afterward claimed going to the length of compelling the Flushing people to choose him for their minister.<sup>1</sup> However, they soon fell out. The Flushing people did not pay the salary as promised and we find him raising tobacco there.<sup>2</sup> The uncomfortable position in which he found himself in relation to the Director General is thus stated in the Remonstrance of New Netherland:

In the beginning, also, when Director Kieft was still here, the English Clergyman requested permission to depart to the Islands or to Netherland, as he had lived and labored a long while without proper maintenance, and as his land was now confiscated; but he always received an unfavorable answer and was threatened with this and that. Finally, it came to pass that he may depart on condition of promising under his hand that, wherever he should go, he would not mention, nor complain of the manner he was treated here in New Netherland by Director Kieft or Stuyvesant.<sup>3</sup>

This was not denied, but it was asserted that he was in debt to the Company. Van der Donck was partially successful in obtaining better conditions for the people of Manhattan, but excited such animosity of the Company that he was refused passage on any of their ships, after his wife and children were embarked, and they sailed without him. It was at this time (1653), while van der Donck was still in Holland, that the Commissioners of the United Colonies, who were inquiring into the alleged purpose of Stuyvesant to use the Indians against New England, saw Mrs. van der Donck and her father at Staten Island.<sup>4</sup> Mrs. van der Donck

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country is like to pay for her, whose extremity was such as deserved pitty" (*Ibid.* iii. 256). And last there is in May, 1652, a grant to pay a final physician's bill (*Ibid.* iii. 276).

<sup>1</sup> H. Onderdonk, Queens County in Olden Times, p. 9.

<sup>2</sup> Records of New Amsterdam, i. 143, ii. 4.

<sup>3</sup> Documents relative to the Colonial History of the State of New York, i. 311; cf. i. 305, 310, 332, 334, 341, 426, 427.

<sup>4</sup> Plymouth Colony Records, x. 45, 46. It seems worth noting that Mrs. van der Donck could speak "very good Indian."

had some evidence that seems to have been considered important, and Mr. Doughty "said that he knew more than he durst speak." Van der Donck finally succeeded in returning to New Amsterdam but died there in 1655, his widow married Hugh O'Neal of Maryland, and Mr. Doughty went with his daughter to Maryland and is said to have officiated as minister "at Patuxent," where he was seen by the Dutch Commissioners who went to remonstrate about Colonel Utie's action in the boundary dispute in 1659.<sup>1</sup>

After New Netherland was seized by the English, Mrs. O'Neal returned and claimed some property of which she appears to have been dispossessed.<sup>2</sup> She recovered Yonkers, her first husband's estate, but seems to have failed to recover a farm at Mespat — the one probably which her father is said to have given her at her marriage.

Mr. Doughty's ministration in Maryland must have been brief, and his presence there in 1659 merely accidental. There were few ministers of any kind in Maryland at that time and little or no provision for the support of any, other than Roman Catholics.<sup>3</sup> He

<sup>1</sup> Documents relative to the Colonial History of the State of New York, ii. 93.

<sup>2</sup> "Van der Donck's widow will enter again into possession of Nipperha. She claims also land in Mespadt" (Van Ruyven to Stuyvesant, 1666, in Documents relative to the Colonial History of the State of New York, ii. 473). O'Callaghan speaks of "the tract of land called Nepperhaem, but now known as Yonkers" (History of New Netherland, i. 382, 383). It does not appear what became of Mrs. O'Neal and her children or of the Yonkers property. The O'Neals or Neales appear to have been birds of passage in Maryland. Capt. James O'Neal was made a member of the Council in 1638-39, was absent with his family for some years, and was Lord Baltimore's attorney in Holland in the dispute about the Dutch settlements on the Delaware. He returned and was again of the Council in 1661. Capt. Hugh Neale was put in command of a company in Charles County in 1661-62; and in 1674 there was some curious legislation about his importation of horses.

<sup>3</sup> Mr. Doughty's brother-in-law, William Stone, an early settler in Accomack (Northampton) County, Virginia, was by commission of Lord Baltimore in 1648 made Governor of Maryland. He was a Protestant and clearly chosen on that account, and in accordance with previous agreement brought in the Puritan emigration from Virginia; he was, however, deposed by the Puritan Commissioners, then reinstated, then wounded in the battle of the Severn and condemned to be shot but respited and imprisoned and his Maryland property confiscated. He was in prison or recently released when Doughty went to Maryland.

was in New York in January, 1656, and in the same year was a "Minister and Preacher of ye Word" in Northampton County, Virginia. While there he married the widow Anne Eaton, who is thought to be the second wife of the Rev. Nathaniel Eaton of Harvard College who in 1639 "came in Nele's barque to Virginia, where he married Anne Graves, daughter of Thomas Graves, a member of the Dorchester Church, who emigrated to Virginia and died of climatic influence, leaving his daughter a fair patrimony."<sup>1</sup> So it is stated in the Virginia Magazine, but Mr. Graves's name does not appear in the Dorchester Church Records. The writer adds that Eaton became the assistant of Mr. John Rozier the minister of the parish, "but fled to England in 1646."

In view of his proposed marriage, Mr. Doughty, 8 June, 1657, issued the following notice :

To all xtian people to whome this present wrightinge shall come.

Knowe yee that whereas there is a marriage to bee had and solemnized between me ffrancis Doughty of Northampton County in Virginia & Ann Eaton of ye same County, and yt the s'd ffrancis Doughty may by virtue of marriage haue or expect to haue an interest [in her estate I] do Disowne and discharge all right, to her estate, and to her children.<sup>2</sup>

If Doughty married Nathaniel Eaton's widow in 1657, Mather is mistaken in saying that Eaton lived to the Restoration, conformed, and, as a beneficed clergyman became a persecutor of non-conformists.<sup>3</sup>

The collection of clerical dues was not easy in Northampton and Doughty soon removed to Rappahannock, where according to Bishop Meade he was the first minister of Sittingbourne parish. Here he remained until after the Restoration, not without some troubles as the following humble petition shows :

To the Wors'p<sup>n</sup> her Ma<sup>ties</sup> Justices for the County of Rappa. the Humble peticon of John Catlett & Humphrey Booth Sheweth, That Whereas yo<sup>r</sup> pet<sup>rs</sup> by Letters bearing date the 15th of Apr<sup>l</sup>, 1668, did make their humble addresse to our Hon<sup>ble</sup> Gov<sup>r</sup>, S<sup>r</sup> Wm. Berkeley, shewing that Mr. Francis Doughty, uppon our desire of Communicating in

<sup>1</sup> Virginia Magazine, v. 130.

<sup>2</sup> E. D. Neill, Virginia Carolorum, p. 407.

<sup>3</sup> Magnalia (1853), ii. 10.

the Blessed Ordinance of the L'ds Supper, did w<sup>th</sup>out any reason given to us [Besides that his conscience would not Suffer him Soe to do], advocate and Suspend us from p'ticipating in that holy Sacra<sup>mt</sup>, to the great Scandall of yo<sup>r</sup> pet<sup>n</sup>; and Further wee, yo<sup>r</sup> pet<sup>n</sup>, informed his Hon<sup>r</sup> of the s<sup>d</sup> Doughtie's non-conformity & Scandalous liveing, uppon which our comp<sup>ts</sup> the Hon<sup>ble</sup> Gov<sup>r</sup> & Counsell have ordered in case our comp<sup>ts</sup> bee grounded upon truth, that then his worship<sup>n</sup> Cor<sup>t</sup> bee empowered to putt out of the s<sup>d</sup> Doughty from being any longer Minis<sup>r</sup> in the p'ish of Sittingborne. All w<sup>ch</sup> compl'ts wee are ready to prove, & not onely those before menconed, But likewise that hee, the s<sup>d</sup> Doughty, did in the p'nce of this wors'p<sup>n</sup> Cort, impeach the Supremacy of his sacred Ma<sup>j</sup>, the which & more (contrary to the Knowne Canons of the church of Engl<sup>d</sup>), wee are heer Ready to make appeare.<sup>1</sup>

That Mr. Doughty was guilty of non-conformity and lack of respect for his Sacred Majesty is not unlikely, but it would require some better evidence to incline one to believe that he took to evil living in his old age.

In March, 1668-69, Mr. Doughty executed the following curious deed of gift:

To all Christian people to whom these shall come, greeting in our L'd God Everlasting, know yee that I, Frances Doughty, for and in consid. of the good will, affeccion and love that I beare unto my well Beloved wife Anne Doughty, and in consid. that I the s<sup>d</sup> Francis am shortly intended, God willing to Transport myself out of the Colony of Virginia into some other country and clymate that may prove more favorable to my aged, infirm & decayed Body than the s<sup>d</sup> Country of Virginia wherein I now Reside, Doste and for that my wife the s<sup>d</sup> Anne is unwilling to Depart the s<sup>d</sup> country, shee finding the same Best agreeing with her health. Besides her loathness and unwillingness to Bid Farewell to her more Deare & Beloved children, and to her Beloved kindred & Relacons, all or least most of them Residing in the s<sup>d</sup> Colony of Virginia and in the Neighboring provinces of Maryl'd, as also for Divine [diverse?] good causes & consid. mee at this pr'sent Especially moving, I Have given granted & confirmed . . . unto Richard Boughton of Charles county in the Province of May'l'd . . . two hundred acres, lying upon Rappa. River in the s<sup>d</sup> Colony of Virginia . . . together w<sup>th</sup> all Houses, *etc.*<sup>2</sup>

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<sup>1</sup> Virginia Magazine, v. 288, 289.

<sup>2</sup> *Ibid.* pp. 289.

The grantee seems to be the Boughton who was Secretary of Maryland, but what relation or connection he was of Doughty, I fail to discover.

In the calendar of the New York Assizes to be held beginning the first Wednesday in October, 1669, stands:

Francis Doughtey Pl't John Hicks, William Laurence &c Def'ts upon the suite & Request of Capt'a Underhill & Mr Laurence — By the ord'r of the Governo'r Ap'r 19: 1669.<sup>1</sup>

It is said that he or his executor won the suit which was for salary at Flushing some twenty years before.<sup>2</sup>

Mr. WILLIAM LOGAN RODMAN GIFFORD of St. Louis, Missouri, was elected a Corresponding Member.

<sup>1</sup> Second Annual Report of the State Historian of the State of New York (1897), pp. 352, 353, 357. This suit first appears on the calendar 28 September, 1665. Under date of 1666, Onderdonk writes:

Mr. Francis Doughty was minister at Flushing, at 100 guilders a year. His contract for salary was burnt one year before his trial [1665 ?] by Wm. Lawrence's wife, who put it under a pye in an oven. . . . Underhill had ordered the church door shut up because Doughty preached against the Government. Thereafter Doughty was discharged. His son recovered 600 guilders; each party to pay their own costs. The defence was, that Gov. Stuyvesant, by calling each person into his room separately, had forced the town to sign a call to said Doughty (Queens County in Olden Times, p. 6).

<sup>2</sup> Mr. Doughty's two sons Francis and Elias, who came with him from England, married and remained in the Province of New York. Mrs. Bunker in her Long Island Genealogies seems possibly to have mistaken grandchildren for children in the list she gives of his sons.

## MARCH MEETING, 1906.

A STATED MEETING of the Society was held at No. 25 Beacon Street, Boston, on Thursday, 22 March, 1906, at three o'clock in the afternoon, the President, GEORGE LYMAN KITTREDGE, LL.D., in the chair.

The Records of the last Stated Meeting were read and approved.

The CORRESPONDING SECRETARY reported that a letter had been received from Mr. WILLIAM LOGAN RODMAN GIFFORD of St. Louis, Missouri, accepting Corresponding Membership.

The PRESIDENT announced the death on the twenty-seventh of February of Mr. SAMUEL PIERPONT LANGLEY, an Honorary Member, and on the twenty-first of March of Mr. JAMES MILLS PEIRCE, a Resident Member, and paid a tribute to their memory.

The PRESIDENT stated that he had received from the Massachusetts Historical Society a Memorial to Congress respecting the preservation of the frigate Constitution. The Memorial was referred to the Council.

The PRESIDENT also announced the appointment of Mr. HENRY H. EDES as the delegate from this Society to attend the meeting at Philadelphia in April of the American Philosophical Society in celebration of the two hundredth anniversary of the birth of Benjamin Franklin, at which the Society had been invited to be represented.

Mr. ANDREW MCFARLAND DAVIS read the following paper on —

A SEARCH FOR THE BEGINNINGS OF STOCK  
SPECULATION.

It is a long step backward to the time when one might turn for investment to the stocks of the companies which bore the suggestive titles "Virginia," "New Jersey," or "Pennsylvania." Yet in their day the securities of these companies had their attractions for capitalists, and perhaps at times for speculators, although it was impossible that dealings in these stocks in early days should have been classed under the head of "stock-jobbing," an expression which is only used with reference to trading based upon rapid fluctuations of values in an open market. For dealings of this kind, whether on time or on margin, it is essential that there should be companies having fixed capitals divided into shares of uniform value, capable of easy transfer. The limitations which at the outset the great trading companies at times imposed upon their membership, and the intricate and difficult process of transferring interests in the ventures of such companies made it impossible so long as these restraints existed, that their stocks should be the subject of this sort of speculation. At the beginning the English Company of Adventurers admitted members who were bound together by oaths in temporary association for purposes of trading, colonization or conquest, and the rights obtained by the individuals who participated in these enterprises could only be transferred by consent of the majority of the Adventurers. Then followed the limited participation of owners of stock in some particular venture of a company, and finally in the course of time the idea was evolved of organizing companies for industrial and mining purposes, each having a fixed capital divided into certificates of uniform value transferable at will. Under the latter conditions came facilities for quotations of value, for transfers of ownership, and for trading in futures; and the opportunity was then given for dealings in stocks on the part of speculators, who could thereby find vent for that craving for excitement which had hitherto sought relief in hazardous mercantile ventures, in voyages of exploration,

in preying upon Spanish commerce, or perhaps in privateering. Shakespeare puts all of Antonio's hazards on the deep:

• Have all his ventures failed? What, not one hit?  
From Tripolis, from Mexico, and England,  
From Lisbon, Barbary, and India,  
And not one vessel 'scape the dreadful touch  
Of merchant-marring rocks?

The London Bassanios might have continued to comment, in similar language, on the business embarrassments of their merchant friends, until, sometime in the latter part of the seventeenth century when speculation in stocks having become pronounced, the phrase "stock-jobbing" was born. Then the ventures that failed were to be sought for on the stock-market as well as on the high seas. It is for the period which first gave birth to this phrase that we must look in order to fix the beginnings of stock speculations. We know that prior to the early part of the seventeenth century there were no stocks in which speculation was possible. The exact determination of the origin of the term "stock-jobbing" would fix within narrow limits the beginning of such dealings, but even if we should fail to ascertain that date with certainty, our search will be helpful towards settling the question under discussion.

We can approach the subject, if we choose, by starting with the foundation of the great trading ventures and working down to the times when joint-stock companies became common. Or we may begin at some era in the historic past, far enough away from the present methods of business life to encounter customs which differ essentially from those in use to-day, yet near enough to permit knowledge of most of the conditions essential for stock speculation as conducted in our own time. If by preference we adopt the latter method for our research and turn to those marvellous events in Europe which startled the business world at the beginning of the eighteenth century, we find both in France and England the conditions to furnish the starting point that we seek.

Furious dealings in stocks, and evidence of some knowledge as to time transactions characterized what was the first stock-market in Paris. The industrial and commercial opportunities were absolutely different from our own. Law's System, which then furnished in



France the stock needed for the stock-jobbers, was initiated in 1716 by the organization of the Banque Générale. This was twenty-two years after the incorporation of the Bank of England. The Bank of Scotland, which had furnished Law with some lessons in the use of paper money, was then just of age. Over thirty years had passed since the "Fund at Boston in New-England" had made its feeble attempt to supply the little Massachusetts village with Bank Credit as a substitute for coin,<sup>1</sup> and the Colony of the Massachusetts-Bay had for a quarter of a century depended upon a denominational paper currency issued by the government for all local business transactions. A brief review of the rise of the System and a glance at the story of its feeble imitator the South Sea Bubble, will help us to discover what was new in these proceedings, and what was inherited from the past.

The speculative upheaval in France familiarly known as Law's Mississippi Bubble culminated in the winter of 1719-1720. A foreigner, whose career had been marred by his dissolute habits; a fugitive from justice, whose life had been forfeited by English law; a writer of pamphlets on money and trade; a promulgator of schemes for banks and companies which should revive the fortunes of whatever nation should adopt them; a wanderer upon the continent of Europe seeking for some monarch who would test his plans, Law at last found a listener in the Regent of France and taught him the magic power of credit. So complete a change was wrought in the temper of the French nation by the establishment of Law's company, that the same government which but a few months before had seen its notes at seventy per cent discount, was able to flood the market with the issues of the Royal Bank and see an actual preference given them over the coin of the realm. The narrow street known as the Rue Quincampoix, the centre of speculation in Paris, was thronged with a motley crowd, composed of all classes and of all European nations. Here priest and soldier, noble and tradesman, mistress and maid, Parisian, provincial and foreigner, jostled each other in their eager contest for the wonderful shares which had produced this marvellous result, shares to whose upward course it seemed at one time as if no limit could be set. The seed of speculation had been sown in virgin soil. The plant,

<sup>1</sup> See Proceedings of the American Antiquarian Society, 29 April, 1903, pp. 368-384.

fostered in the earlier stages of its life by devices entirely novel in France, grew with a rank luxuriance which soon outstripped the need of helping hand. The very excess of its vitality, combined with the favorable circumstances under which it was placed, carried a threat to its own existence, nor could the pruning-hook be applied without danger to life. As in nature, the plant which grows too rapidly finds itself unable to stand erect and bear its own weight, so the mad fury of speculation increased in Paris from day to day until it was no longer able to sustain itself. Meantime, however, the French had become familiar with many of the methods which are in vogue to-day, and which have continued without interruption, in France, from that period to the present, in spite of the edicts which were promulgated against them at the time of the fall of Law's System. This furor of speculation had been accomplished through the agency of a gigantic commercial company into whose hands had been concentrated the management of the commerce and finances of the kingdom, combined with which was a bank which had unlimited capacity to issue paper money. The collapse followed closely upon the attempt to compel the conversion of the Rentes into the stock of the Company.

The Bank with which Law began his operations had a fixed capital divided into shares, but in the Company of the West — the second step taken in the development of the System — although there was a stated par value for the shares named in the original edict, there was no limitation to the capital except the needs of the business.<sup>1</sup> A few months afterwards, however, such a limit was stated. Here then, we have certain knowledge of the existence of some of the conditions which are demanded for stock-jobbing. The analogy to modern securities does not, however, stop here. As time went on and speculation developed, Law put on the market three classes of shares: *actions simples*, which participated proportionately in the profits and losses of the company; *actions rentières*,

<sup>1</sup> The following is an extract from the letters patent in the form of an edict establishing the Company of the West:

Nous voulons que les fonds de cette Compagnie soient partagés en Actions de Cinq-cens livres chacune. . . & lorsqu'il Nous sera représenté par les Directeurs de ladite Compagnie, qu'il aura été délivré des Actions pour faire un fonds suffisant, Nous ferons fermer les Livres de la Compagnie (Du Hautchamp, Histoire du Système, *etc.*, 1739, v. 106).

which had a fixed guaranteed income, but did not participate in dividends; and *actions intéressées*, which had a fixed guaranteed income and also certain rights to participate in dividends. To some of these shares coupons were attached.<sup>1</sup> So that we have in the three classes given above the three types of securities which the modern corporation puts on the market: common stock; preferred stock; and the unsecured bond with fixed interest.

Law, therefore, furnished an outfit of securities sufficient to run a modern stock board. If to this it be added that the founder of the System bulled the stock of the Company of the West by contracts to purchase on future deliveries at an advance on current prices, we see that the added element of time contracts brings this early market in close touch with modern methods. Moreover, the ingenious privileges for subscriptions to new stock, given to existing stock-holders, added to the fury of the speculation, and gave to the several classes of stock different values, a source of much puzzle to those who did not analyze the subscription rights attaching to the specific shares.

The great change which took place in the condition of France during the progress of these events could but excite the wonder of the rest of Europe. A government which at the death of Louis XIV. found itself absolutely without credit was able in the fall of 1719 to propose the redemption of its entire debt.<sup>2</sup> Manufactures sprang up, trade revived, interest was reduced, and the nominal value of property throughout France was enormously increased. It was not unnatural that while this was going on, other nations should seek to imitate the example. If the prostrate kingdom of France could be revived in so short a time; if paper money and commercial companies could convert destitution into opulence, and actual suffering into extravagant luxury; if a treasury, bankrupt when inherited, could by these means be made solvent and put in condition to propose the redemption of a government debt which though small was burdensome, surely the experiment was worthy of being tried elsewhere. The financiers of England were already

<sup>1</sup> Recueil d'Arrests et autres pièces pour l'établissement de la Compagnie d'Occident, Amsterdam, 1720, § 14, pp. 34, 35. On the subject of coupons on shares, see also Du Hautchamp, Histoire du Système, etc., v. 235, vi. 66.

<sup>2</sup> The idea that a government might bear the load of a permanent debt was not then conceived in France.

familiar with the several processes which had been used in France to accomplish these ends. In fact, the whole of Law's scheme was but an extension of a plan for the relief of the government which had been already started upon a smaller scale in London. The Bank of England had been created for the purpose of loaning its capital to the government and had issued demand notes. Its capital had been subsequently increased to enable it to make further government loans. The South Sea Company had been incorporated in order to fund certain government deficits and debts which were unprovided for. Its capital had been increased to furnish a redemption for the fund appropriated for payment of lottery tickets of 1710. There were in 1719 certain annuities, some of them covering a period of ninety years, which the government wished to redeem. The South Sea Company, stimulated by its previous successes and influenced by Law's example, offered to redeem not only these but the entire debt. In a competition with the Bank of England for this privilege, the Company finally prevailed, and in 1720 a proposition was accepted by the Government, which was substantially the same in character as that which was made with reference to the French debt, by Law's Company to the Regent of France. The debt was to be converted into shares in the South Sea Company.

The mere announcement that the proposition was accepted caused South Sea shares to rise. The infatuation which followed resembled that which had seized upon the French people. The scenes which had characterized the daily gatherings in the Rue Quincampoix at Paris were transferred to 'Change Alley, London. A cause for the speculative movement in Paris is to be found in the sudden inundation of the market with an immense amount of paper money. The infatuation in London seems to have been founded mainly upon the fact that there were large sums of money in the city seeking investment, but combined also with this was the popular belief that great gains could be made in some inexplicable manner by this process of redeeming the public debt. This mood of the public was fostered by promises of dividends, and the speculative mania thereby created survived for some months after the downfall of Law's System in Paris. In France the speculation was confined almost exclusively to the various issues of Law's Company. In England, however, the speculators were ready to deal in

anything that was offered them. The stocks of all existing companies sympathized with the movement. Old organizations which had been abandoned were revived, and shares were put upon the market. New schemes, without the advantage of incorporation, were freely dealt in. There seemed to be no necessity that the alleged purposes of the company whose stock was offered for sale should be even plausible, nor was any guarantee required as to the honesty of the promoters. It was enough that an advertisement should be issued stating that a company was about to be formed, and that shares would be offered at a given time in 'Change Alley. Subscribers were ready to put down their names and pay an instalment in response to any advertisement. The long list of companies whose prospectuses were launched upon the market during the days of the South Sea Bubble contains the titles of many, the alleged purposes of which were at the time absurd. Some of these with increased knowledge of the laws of business and of mechanics have since become feasible. Many, however, seem as preposterous to-day as they were when they were first offered to purchasers.

The perusal of these titles can only cause wonder that people credulous enough to purchase shares in the companies should have been found, even during the wildest excitement. A proposition for a "Fish Pool for bringing in fresh fish to London" is said to have commanded £160 per share before any money was called in. A company was announced to "fish for wrecks on the Irish Coast." Another "to make salt water fresh." Still another was projected, whose alleged purpose was to make "oil from poppies." Perhaps the wildest scheme of all was that "for transmuting quicksilver into a malleable and fine metal."<sup>1</sup> One project was advertised in the newspapers as follows: "For subscribing two millions to a

<sup>1</sup> See Adam Anderson, *Historical and Chronological Deduction of the Origin of Commerce*, London, 1764, ii. 292-295. Doubtless these various titles were selected on account of their apparent absurdity, yet if we examine them we can see that our cold storage systems serve the purpose of the "Fish Pool" perhaps too well. The fishers for wrecks on the Irish coast were probably after wrecks of the Armada. Divers overhauled one of them last year off the coast of Scotland. The condensation of fresh water from ocean water is not only practicable but its entire feasibility on a large scale is of great value to our ocean steamers. The production of opium from English poppies was possible even in those days. Finally, the discovery of radium has caused a renewal of the speculations as to the transmutation of metals.

certain promising or profitable design, which will hereafter be promulgated." The projector of a scheme for manufacturing sail-cloth issued permits to subscribe, which were themselves current in the market. A contemporary author says:

We can well remember one of these named *Globe-Permits*, which came to be currently sold cash for 60 Guineas and upwards in the Alley, which nevertheless was only a square Bit of a playing Card, on which was the Impression of a Seal in Wax, being the Sign of the Globe Tavern in the Neighbourhood, with the Motto or Inscription *Sail-Cloth Permits*, [without any name signed thereon] the Possessors thereof being to be hereafter permitted to subscribe to a new *Sail-Cloth Manufactory*, projected by one who was then known to be a Man of Fortune, though afterwards involved in great Calamities and Disgrace.<sup>1</sup>

It was impossible that fraudulent proceedings of this nature should not leave behind some traces of litigation. Doubtless if one knew just where to turn in the various sets of English Reports, one could find in them many items of interest concerning these companies. One case, *Colt v. Woolaston and Arnold*, which was decided in 1723,<sup>2</sup> gives practically all the details connected with the formation of one of these projects. It is so much more explicit than the general statements of the pamphleteers that no apology is needed for giving a résumé of the proceedings. Woolaston, the principal defendant, invented a project for extracting oil from radishes, and took out a patent for the sole exercise of his invention. His proposed plan included the cultivation of a farm for raising the radishes from which the oil was to be extracted. In pursuance of this plan he bought an estate for £31,800, on which a mortgage of £28,000 was left. The patent was then assigned to Arnold (who was also made a defendant in the suit) in trust for contributors to the scheme.<sup>3</sup> A company was organized June, 1720,

<sup>1</sup> Anderson, *History of Commerce*, ii. 291.

<sup>2</sup> Peere Williams's Reports, pp. 153, 157. See also Viner's Abridgment, xiii. 543. Viner thus contemptuously alludes to the transaction: "Money paid upon a bubble in the year 1720," etc.

<sup>3</sup> The Assignment of the patent evidently carried with it the equity in the land. This idea of associating solid landed security with a preposterous patent was evidently a favorite method of the day. "Aaron Hill's case" is referred to in *Colt v. Woolaston and Arnold*. Hill had a patent for extracting

with 5,000 shares of £20 each. The £100,000 was to be applied, £28,000 to the mortgage and £57,200 to Woolaston for the Patent, the balance to remain in the treasury of the Company, the title of which was the "Land Security and Oil Patent." In August, 1720, the Company failed, and this suit and another were successfully prosecuted against the projectors.

In the midst of so many chimerical schemes and absurd propositions it was a difficult task for the wits of the day to find language extravagant enough to satirize, in burlesque titles of fictitious companies, the preposterous plans devised by sharpers to draw in money from the credulous. One advertisement, however, has been handed down to us, which shows that even at that time, when the wise and the ignorant, the rich and the poor, nobles and peasants, were alike inoculated with the fever of speculation, there were some who comprehended the follies which were being perpetrated. In this advertisement it was stated that at a certain place, on a given day, "books would be opened for a subscription of two millions, for the invention of melting down sawdust and chips, and casting them into deal boards, without cracks or knobs."<sup>1</sup>

If we examine the methods made use of by the speculators of that day, we shall find that Law attracted attention to his company by purchasing "calls" at prices far above what there was any necessity for him to pay.<sup>2</sup> By means of these contracts he not only ultimately made money, but he stimulated confidence that the stock would rise, at a time when it was needed. In England it was stated by an observer that "great numbers of contracts were made [during the South Sea excitement] for taking many of the stocks at a future time; and also for Puts and Refusals of them, at very high prices."<sup>3</sup> In other words, the speculative methods in

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oil out of beech which was also divided into shares, and to quote from the report: "A security agreed to be made of lands which came out to be *terra incognita* betwixt the degrees 50 and 57." The Colt project and the Aaron Hill project are both mentioned by Anderson, History of Commerce, ii. 294.

<sup>1</sup> Anderson, History of Commerce, ii. 291. Even this joke of the satirists of the stock-market is punctured by the industrial needs of our day — compressed sawdust having actually been made use of for some purposes.

<sup>2</sup> These contracts of Law were generally spoken of by writers upon the System as if they were invented by him.

<sup>3</sup> Anderson, History of Commerce, ii. 296.

vogue not only covered cash transactions, but included the "puts" and "calls" of to-day. More than that, shrewd observers detected the plans of the speculators, and one of them, in a published comparison of the advantages offered the public by the proposals of the Bank and the Company, alluded to "jobbing tricks played and reports given about the Alley to raise stock," and asserted that the manipulators of the South Sea stock would, if let alone, "turn this great design into a private job, and when they have worked up their stock by management to an unnatural price will draw out and leave the public to shift for itself."<sup>1</sup>

Abundant evidence exists that the whole business of speculating in stocks was in 1718 a novelty to the French. They had to be taught the A B C of the methods. When they had learned how to speculate, they dealt only in the stocks furnished by the genius of one man. The allusion to transactions in futures in London referred to above, shows that the English were already familiar with stock speculations, with all the ramifications which follow transactions in futures, and with the manœuvres and tricks often used to secure a fictitious valuation for a stock. They were accustomed to the methods of forming joint-stock companies, of launching them on the market, and of creating a favorable public opinion. There is, I think, a decided disposition to fix upon the date when these episodes occurred as the time when stock-jobbing began. The fact is that these conspicuous transactions form an epoch during which the frenzy of the speculators so completely overshadows antecedent events that there is actual danger of overlooking facts. The general reader will, however, find enough in the field of ordinary literature to serve as a warning against this conclusion and to put him on guard, even though he lays no claim to knowledge upon technical points in the history of finance.

Readers of Sir Walter Scott's novels will recall the fascinating description of English life in the days of Charles II. portrayed in *Peveril of the Peak*. Among the features of the day of which the novelist made use was the speculative mania which at some time during the seventeenth century began to pervade society. In an interview between the Duke of Buckingham and his valet, the

<sup>1</sup> J. Trenchard, *A Comparison between the Proposals of the Bank and the South Sea Company* (1720), in *A Collection of Tracts*, by the late John Trenchard, Esq; and Thomas Gordon Esq; London, 1751, i. 221.



latter is made to recapitulate a number of schemes which had been submitted to the duke for the rehabilitation of his fortune. "Dr. Wilderhead's powder of projection," "Solicitor Drownland's plan for draining the fens," and other similar projects are rejected by the impatient duke, who urges Jerningham to post down to the Alley and buy for him £20,000 in the South Sea Fisheries.

As if conscious that a doubt might arise in the reader's mind whether this was not an anachronism, Sir Walter adds in a note, —

Stock-jobbing as it is called, that is dealing in shares of monopolies, patents, and joint stock companies of every description, was at least as common in Charles II's time as our own; and as the exercise of ingenuity in this way promised a road to wealth without the necessity of industry, it was then much pursued by dissolute courtiers.

The novelist is not, perhaps, to be held to the same rigid severity of criticism as the historian. By means of the note, however, the dialogue in the text is to a certain extent withdrawn from the land of fiction. Unfortunately, the note is not fortified by any reference. The statement is made by contemporaneous writers that the transfer of stock speculation from the Royal Exchange to 'Change Alley took place in 1698.<sup>1</sup> The South Sea Company was incorporated in 1711. In sending his order for shares in the "South Sea Fisheries" to "the Alley," the Duke of Buckingham anticipated history by a few years, but that there must have been dealings in stocks at the time which the novelist was describing seems extremely probable. There were in England at that date joint-stock and incorporated companies with shares or transferable interests, and there was money. Tulip bulbs and money had sufficed to set Holland wild a few years before, and dealings in "monopolies and patents" had become of enough importance in the early part of the seventeenth century to furnish a topic for satirical playwrights. Whether these dealings assumed the character of stock-jobbing may be doubted, but the general statement that there were stock dealings in England in the days of Charles II. is, perhaps, true. There may indeed at times have been speculative movements. That such was the case has been repeated in a vague way by some writers on finance, while others have sought to associate the birth

<sup>1</sup> Anderson, *History of Commerce*, ii. 225.

of stock speculation with the accession of William and Mary or with the Charter of the Bank of England.

Among those who have assigned the former period, is that distinguished contemporary writer Bolingbroke who, referring to the accession of William and Mary, says:

Thus the method of funding and the trade of stock-jobbing began; thus were great companies created the pretended servants, but in many respects the real masters of every administration.<sup>1</sup>

A writer in the Democratic Review, in an article on Stock-Gambling, announces the result of his investigation as follows:

This System may be said to have begun with the English Revolution in 1689; <sup>2</sup>

while in a paper published in the Banker's Magazine the following statement is made:

It is therefore from this period (the Charter of the Bank of England) that we may date the origin of that spirit of gambling which infested the City of London, at different times, and which gave birth to some of the most extraordinary frauds and delusive schemes, that were ever concocted by man in civilized society.

Recurring to the definition of stock-jobbing given by Sir Walter Scott in his note, it will be observed that he does not in express terms include time bargains. Francis, in his *Chronicles and Characters of the Stock Exchange* says:

The origin of these bargains is obvious, and may be traced to the period of six weeks in each quarter, when the Bank books were, as it was then thought, necessarily closed to prepare for the payment of the dividend.<sup>3</sup>

This statement is almost as misleading as the anachronisms in Peveril of the Peak. Francis, in the *Chronicles, etc.*, quotes freely from a pamphlet published in 1719, entitled *The Anatomy of*

<sup>1</sup> Works, London, 1754, iii. 151.

<sup>2</sup> United States Magazine and Democratic Review, 1846, xviii. 83.

<sup>3</sup> Reprinted in the Banker's Magazine, iv. 645 *et seq.*

Exchange Alley,<sup>1</sup> the opening words of which were, "The general cry against stock-jobbing has been such, and people have been so long and so justly complaining of it as a public nuisance," *etc.* It is true that the assertion that people have *long* been suffering from stock-jobbing fixes no date, but we can easily trace the use of the phrase farther back than a quarter of a century. A glance at some of the publications treating of this subject about this time will permit us to measure the means at command of the writer to avoid this error.

Defoe, between the years 1697 and 1705, wrote several pamphlets in which he feelingly describes the frauds perpetrated upon the credulous.

There are, and that too many, fair pretences of fine discoveries, new inventions, engines, and I know not what; which being advanced in notion, and talked up to great things to be performed when such sums of money shall be advanced, and such and such engines are made, have raised the fancies of credulous people to such height, that merely on the shadow of expectation, they have formed companies, chose committees, appointed officers, shares and books, raised up great stocks, and cried up an empty notion to that degree, that people have been betrayed to part with their money for shares in a new-nothing. . . .

I might go on upon this subject, to expose the frauds and tricks of stock-jobbers, engineers, patentees, committees, with those exchange mountebanks we very properly call brokers, but I have not gall enough for such a work; <sup>2</sup> . . .

In his Essay upon Loans, the same author says :

Here together with the innumerable tallies which upon the deficiency of former taxes as aforesaid, went about the town upon discount, and the great obstruction of running cash, by calling in the old coin, was the first rise given the art and mystery of stock-jobbing, *etc.*

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<sup>1</sup> Reprinted in the Banker's Magazine, v. 151 *et seq.* A correspondent of Notes and Queries quotes from Anatomy of Exchange Alley (1719), and says those who buy Exchange Alley bargains are styled "buyers of Bear-Skins" (Fifth Series, vi. 118). He infers that the present expression "Bears," for one who depresses stocks, is here foreshadowed. The word "bear," however, is found as early as 1709. See the Oxford Dictionary.

<sup>2</sup> Introduction to Essays upon Several Projects.

If by this he means the re-coinage of 1696, it is not consistent with what he had already published in his *Essay upon Projects*, where he says :

I shall trace the original of the projecting humour that now reigns no farther back than the year 1680, dating its birth as a monster then, though by times it had indeed a something of life in the time of the late civil war. . . . But about the year 1680 began the art of projecting to creep into the world. . . .

Awhile before this several people under the patronage of some great persons had engaged in planting of foreign colonies, as William Pen, the Lord Shaftesbury, Dr. Cox, and others, in Pennsylvania, Carolina, East and West Jersey, and the like places, which I do not call projects because it was only prosecuting what had been formerly begun. But here began the forming of public joint-stocks, which together with the East India, Africa and Hudson's Bay Companies before established begot a new trade, which we call by a new name stock-jobbing, which was at first only the simple occasional transferring of interest and shares from one to another, as persons alienated their estates, but by the industry of the exchange brokers, who got the business into their hands it became a trade, and one perhaps managed with the greatest intrigue, artifice and trick that ever anything that appeared with a face of honesty could be handled with, for while the brokers held the box they made the whole exchange the gamesters, and raised and lowered the prices of stocks as they pleased, and always had both buyers and sellers who stood ready innocently to commit their money to the mercy of their mercenary tongues.

In *The Consolidator: A Memoir of Sundry Transactions from the World in the Moon*, 1705, Defoe adds a description of the manner in which the bears of those days depressed a stock and when they had gained their object captured the control of the company in whose stock they were operating :

They concerted matters and all at once fell to selling off their stock, giving out reports that they would be no longer concerned. . . . By this artifice, they daily offering to sale, and yet in all their discourse discouraging the thing they were to sell, no body could be found to buy. . . . All this while the Crolians employed their emissaries to buy up privately all the interest or shares in these things that any of the Solonarian Party would sell.

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This estimate of Shadwell's work is much more just than opinions expressed upon such occasions ordinarily are. A glance at the notes in *Peveril of the Peak* and in *Macaulay's History of England* will show how much the novelist and the historian were benefited by the discrimination of the play-writer. His selection from the manners and customs of the day of what was suitable for

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satire upon the stage, was precisely what Scott and Macaulay were in search of. An analysis of Shadwell's plays reveals many peculiarities of life at that time which are entirely overlooked by ordinary writers. The title of the play already referred to shows, not only that the mania for stock speculation had fastened itself upon the English public in 1692, but that the familiar name of stock-jobbing had even then become a cant phrase. Without undertaking to expose the plot of the stock-jobbers, a few extracts from the dialogue will illustrate the material which the stock-market then furnished for dramatic purposes.

Hackwell, an old Cromwellian Colonel, has been led by his young wife to speculate in stocks. He is interviewed by Welford, whom the Colonel evidently mistakes for a dealer in stocks.

*Hackwell, Sen.* Who are you, sir? Have you ought with me?

*Welford.* I have, if you be Colonel Hackwell, somewhat which concerns you.

*Hack. Sen.* Men are wont to call me so; Is it about the Linen manufacture?

*Welf.* Ha! This godly old fellow is of the honest vocation of stock-jobbing. (Aside) — No, it is not.

By means of the dialogue the glass, the copper, the tin and paper manufactures are then in turn introduced. A trial is made of "the Divers" and of "The Dippers who will make the Sarcenet keep out the rain like Drap de Berry," after which the dramatist, having made effective use of the titles of companies, permits Welford to state the purpose of his visit, and the action of the play moves along.

In another scene two stock-jobbers present their schemes. The dramatist makes use of them to present the extravagances of the stock-market through the contest which ensues between the stock-jobbers in offering for Hackwell's consideration a number of absurd schemes, the enumeration of which was calculated to amuse an audience. In the course of this contest the second stock-jobber announces that "There is likewise a Patent moved for of bringing some Chinese rope-dancers over, the most exquisite in the world. Considerable men," he adds, "have shares in it, but verily I question whether this be lawful or not." This furnishes an opportunity for setting forth the morals of stock-jobbing in an obnoxious light,

and the instrument selected for the purpose is the old Cromwellian Colonel, who develops the same in the following speech :

Look thee, brother, if it be to a good end, and that we ourselves have no share in the vanity or wicked diversion thereof by beholding of it, but only use it, whereby we may turn the penny, and employ it for edification, always considered that it is like to take, and the said shares will sell well, and then we shall not care, whether the aforesaid dancers come over or no.

The interview with the brokers is ended by Hackwell in the following words :

Look ye, brethren, hie ye into the city, and learn what ye can; we are to have a consultation at my house at four, to settle matters as to lowering and heightening of shares.

If the date of this play were concealed, one might imagine that it was intended to satirize the period of the South Sea Bubble. The play was, however, produced twenty-seven years before the excitement which has been named after the South Sea Company. It is evident not only that Shadwell was himself familiar with the processes which he introduced into his dialogue, but that he expected a London audience to enjoy the satire.

About this time a set of forms for stock transactions was published in a serial edited by a certain John Houghton.<sup>1</sup> The topics treated in the weekly papers covered a wide range. Recipes were furnished housewives; advice as to the rotation of crops was given farmers; discussions of scientific subjects were laid before those

<sup>1</sup> The papers were afterwards collected and published under the following title: *Husbandry and Trade Improved, etc.*, by John Houghton, F.R.S. Now revised, corrected and published with a preface and useful Indexes by Richard Bradley, F.R.S. and Professor of Botany in the University of Cambridge. In three Volumes. London, 1727. I find among my notes the following memorandum in the handwriting of the late Professor Charles F. Dunbar :

The passage cited by Macaulay from Houghton's Collection for Husbandry and Trade occurs in vol. ii. no. 33, for Mar. 17, 1692-93, in the original folio edition in the British Museum.

November, 1691, Houghton issued his prospectus, with a testimonial signed (*inter alia*) by John Evelin, Samuel Pepys, Hans Sloane, Hugh Chamberlen, Richard Waller, Edm. Halley.

One of his objects stated to be to give "an account of the value of the Actions of the East India" and other companies.



who were interested in such matters; statistics and facts relating to commerce and trade were published for the benefit of merchants and traders. In the ninety-eighth number of this serial, issued 15 June, 1694, Houghton fixes the period when activity in stocks began in the English market as follows:

A great many stocks have arisen since this war with France; for trade being obstructed at sea, few that had money were willing it should lie idle, and a great many that wanted employments studied how to dispose of their money, that they might be able to command it whensoever they had occasion, which they could more easily do in joint stocks than in laying out the same in lands, houses or commodities, these being more easily shifted from hand to hand: this put them upon contrivances, whereby some were encouraged to buy, others to sell, and this is it that is called Stock jobbing.

Under date of 6 April, 1692, he says:

Altho they that live at London, may, every noon and night on working days, go to Garraway's Coffee House, and see what prices the Actions<sup>1</sup> bear of most companies trading in joint Stocks;

and, under date of 3 March, 1692-93:

At this time when companies of men are so eager to enter into joint stocks for improvement of anything that appears reasonable; witness our linen and copper companies; and the company that lately subscribed for the lead mines in Wales, to which to my knowledge, a subscription was made in one day of 2,500£. And I am well assured they might easily have raised four times as much, and I presume they still may do so, if occasion requires it.

The series of papers specially devoted to joint stocks, or as he says, to "the various dealings therein, commonly called *stock-jobbing*," came out in 1694. Houghton was acquainted with many worthy persons who dealt in stocks, and he considered it a great

<sup>1</sup> The word "Action" as used by Houghton evidently corresponds in meaning with the same word in French. Burnet used the word in a similar way when in 1688 he speaks of "Actions of the Company" (*History of His Own Times*, Oxford, 1833, iii. 208), but in another place he speaks of buying and selling, in Cromwell's time, "of the Actions of money so advanced." In this latter case "the Actions of money" must be the evidence of the debt whether simply a tally or a written obligation.

hardship that such gentlemen should "undergo the censures of mankind, who inveigh against all traders and trading in stock, tho' at the same time they know little or nothing of it." For this reason he proposed "to give an account of the original and necessity of joint-stocks, the lawfulness and usefulness of trading therein, and the abuses that are so much complained of and charged upon the traders in them." He proceeds to give a few historical facts about joint-stock companies, describes the method of their organization and adds an account of "the manner of managing the trade" and "the manner of refuse:"

The manner of managing the trade is this: the monied man goes among the brokers (which are chiefly upon the Exchange and at Jonathan's Coffee-House, sometimes at Garraway's, and at some other Coffee-Houses<sup>1</sup>) and asks how stocks go. And upon such information, bids the broker buy or sell so many shares of such and such stocks if he can, at such and such prices. Then he tries what he can do among those that have stocks, or power to sell them, and if he can, makes a bargain.

Another time he asks what they will have for refuse of so many shares; that is how many guineas a share he shall give for his liberty to accept or refuse such shares, at such a price, at any time within six months, or other time they shall agree for.

Having thus shown what a "refuse" of shares is, he proceeds to give a form of the contract, and to demonstrate "the conveniency of giving money for a refuse." He then describes "the manner of putting stock," argues in favor of its "conveniencies" and gives "the contract for security." Perhaps the most astonishing revelation in this series of letters or papers is the description of the modern corner under the title of "The great mystery of buying more than all."<sup>2</sup> The whole subject is finally disposed of in a paper headed "The advantages of stocks particularized." In this paper the author discloses the condition of a number of trades, ventures and companies, leaving it to be inferred that their stock was for sale on the market. From this list Macaulay, who is authority for the statement that the word stock-jobber was first heard in London

<sup>1</sup> For some graphic contemporary descriptions of these coffee-houses, see Publications of this Society, vii. 120, 121.

<sup>2</sup> Husbandry and Trade Improved, No. 102, 13 July, 1694.

about the year 1688,<sup>1</sup> derived the names and descriptions of many of the companies which he enumerates in his account of the speculations of this period. Two, however, which are mentioned by Houghton find no place in the historian's list, and these two bring before us more conspicuously perhaps than all the rest the marvellous changes wrought during the two centuries which have intervened. "New Jersey," said Houghton, "will improve without question; as Pennsylvania by the like means already has."

The foregoing quotations from Shadwell and from Houghton show that in 1692 dealings in stocks occupied a great share of public attention in London. Already many of the devices of purchasing and selling on time had become common, and rogues had learned that beneath specious promises and under cover of high sounding titles companies could be organized with transferable stock which could be disposed of to the unwary upon the open market. Popular prejudice was already aroused against all stock-dealings. The sins of a part were visited upon the heads of all. It is evident that when Houghton calmly discussed the situation and pointed out the benefits to be derived from these companies and from time transactions in their stocks, he undertook a task which required moral courage.

So strong was the feeling aroused by the many frauds perpetrated by stock-jobbers that in the spring of 1693-94 a bill was introduced in the House of Commons for the purpose of "preventing frauds and abuses in buying and selling of parts and shares in joint-stocks." A petition of several merchants in behalf of themselves and divers other merchants and tradesmen in and about the city of London and elsewhere, was presented to the House, and read. It set forth that a bill was depending in the House for preventing abuses in selling interests in joint-stocks, that if it should pass as worded it would be of dangerous consequence and a means of ruin to trade, and the petitioners prayed that they might be heard by counsel to offer their reasons against the passage of said bill. The petition was rejected but the bill failed to pass.

On 27 March, 1696, leave to bring in a bill to prevent stock-jobbing was granted and a committee was appointed to prepare one. This committee reported a bill which was read twice and

<sup>1</sup> History of England, iv. 256.

then committed. On the first of April, 1697, it was ordered that leave be given to bring in a bill to restrain the number and ill-practices of brokers and stock-jobbers, and that Mr. Chancellor of the Exchequer, Sir Rowland Gwyn and Sir Joseph Tiley do prepare and bring in the bill. A committee was also appointed to inquire into the ill-practices of brokers and stock-jobbers and report the same, with their opinions thereupon to the House.<sup>1</sup> This time the bill passed and according to the *Monthly Mercury*, the royal assent was given to it on the 16th of April and it then became a law.<sup>2</sup>

We can trace every step of the rapid growth of stock-jobbing in France. In England, however, except for the vague statements of Defoe, when we first hear of the subject it has already reached such proportions that the drama is invoked to satirize it, pamphleteers ventilate the wrongs perpetrated on the public in its name, and Parliament is called upon to check the abuses which follow in its train. Nevertheless, it is evident that in England it was a growth, perhaps a rapid growth, but not a creation, certainly not, as in France, the creation of one man.

If we step back of the well-defined craze of stock-jobbing of which we have just been treating, we find that in 1688 there was enough of a market for East India shares to permit a diplomat to

<sup>1</sup> Journals of the House of Commons, xi. 123, 128, 132, 535, 541, 765.

<sup>2</sup> The legislation on this subject from the time of Sir John Barnard's "Act to prevent the infamous practice of Stock-Jobbing" which was passed in 1734, down to the present time, is fully discussed in *A Treatise on Contracts for Future Delivery and Commercial Wagers*, by T. Henry Dewey, New York, 1886. The author does not go behind the Act of 1734. For the purposes of his treatise there was perhaps no necessity for him to go back of Sir John Barnard's Act and trace the legislation from 1697 to 1734. It is evident from *An Essay on the Practice of Stock-Jobbing, etc.*, by Thomas Gordon, 1724 (A Collection of Tracts by the late John Trenchard, Esq. and Thomas Gordon, Esq., London, 1751, ii. 83 *et seq.*), that legislation on this subject during this period was of no avail. The author after speaking of the "Modern practice of stock-jobbing," defines his meaning to be "those guileful Acts and unjust attempts which are used to raise and sink the public stocks of this nation," then alludes to "the making of fictitious contracts and bargains," and afterward says such laws "as heretofore have been enacted by our ancestors to rectify the irregular use of money . . . are either disused as exceedingly old and out of date, or being temporary and limited to a particular time are now expired."

John Asgill, a writer on finance, published in 1696 a tract entitled *Several Assertions proved in order to create another species of Money than Gold and Silver*, in which he says "this kingdom stands stock-jobbed, by being obliged to deliver what they have not." He speaks of "the splitting of shares in joint-stocks, to multiply them in the hands of those whose they then are, that, before the fallacy is found out they may sell them (by number) to others, who come to the right understanding of it by the fall of them in their own hands." It would seem as if Asgill must have known something about "corners" when he speaks of "being obliged to deliver what they have not," and "the splitting of shares" and then selling them "by number" is suggestive of what we should to-day denominate "watering stock." But before Asgill wrote what has just been quoted, an anonymous writer had already published a pamphlet in which he devoted himself largely to a merciless attack upon those who by fraudulent means and tricky ways were engaged in the process of making money by bulling stocks.

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speculate in them on the basis of his political knowledge. Burnet says <sup>1</sup> that Abbeville before going over to The Hague in 1688 sent over a threatening Memorial. This was printed at Amsterdam before it was delivered to the States. "The chief effect this had was that the Actions of the company did sink for some days. But they soon rose again; and by this it was said that Abbeville himself made the greatest gain." The inference is plain here that the shares in which Abbeville made his gains were transferable at will.

In those days goldsmiths received deposits and were of course on the lookout for temporary investments in which they could place their surplus funds. Anderson, referring for authority to a pamphlet entitled "The Mystery of the new fashioned Goldsmiths or Bankers discovered," <sup>2</sup> says that in 1665 all public demands fell short of employing the cash which was deposited with them. "This made them run into the way of lending money on private pawns at high interest; or discounting bills of exchange, or lending money on personal security to heirs in expectancy, etc." It is evident from this, that in 1665 the shares of joint-stock companies, notwithstanding the fact that Macaulay gives a quotation of East India stock in 1664 <sup>3</sup> and regardless of what Defoe says of the several companies which he enumerates, did not furnish a conspicuous avenue for the investment of surplus funds.

If the inference which may naturally be drawn from what this pamphlet states be true, we might at this point abandon our search for the beginnings of stock speculation. We have passed through a well defined period of stock-jobbing. We have seen the British public familiar, in the latter part of the seventeenth century, with the methods of organization of stock-companies, and ready to avail themselves of this knowledge upon any pretence for speculative purposes, and we find that but a few years back of this a writer upon finance makes no mention of joint-stock companies when enumerating the avenues in which surplus wealth could be invested. The reason why the securities of the trading companies, which were

<sup>1</sup> History of His Own Times, iii. 208.

<sup>2</sup> History of Commerce, ii. 77, 78. The date of the publication is given as 1676. It was reprinted by Professor Charles F. Dunbar in the Quarterly Journal of Economics, ii. 251-262.

<sup>3</sup> Macaulay has collated (History of England, iv. 108) a number of quotations of East India stock, the oldest being 1664.

then from time to time offered for sale, should not have commanded the support of those who wished to make temporary investments of their surplus money, is probably to be found in the fact that the restrictions surrounding the memberships of some of the companies and the difficulties attendant upon a transfer of the stock which have been referred to, had not been removed. Besides, their charters were originally granted for limited periods, and even as late as 1693 only a portion of them had been converted from "regulated" companies in which the risks of the commercial ventures were assumed by individual members<sup>1</sup> into joint-stock companies in which all participated proportionately to their stock in the profits and losses in which the stock was interested. At each renewal of the privilege of the company there was a contest in which the rights of the invested capital were by no means sure of recognition and protection.

From Evelyn we get a view of the relations of the Adventurers to the East India Company in 1657. He gives a description in his diary of a meeting of this company as follows:

I went to London, to a Court of y<sup>e</sup> East India Company upon its new union in Merchant Taylors Hall where was much disorder by reason of the Anabaptists, who would have the Adventurers oblig'd only by an engagement; without swearing, that they still might pursue their private trade; but it was carried against them. Wednesday was fix'd on for a general court for election of Officers, after a sermon and prayers for good successe. The Stock resolv'd on was 800,000£.

27. I tooke ye oath at the E. India House subscribing 500£.<sup>2</sup>

Although there are references to the rise and fall of East India stock back of this date, it is difficult to conceive of them in the sense of an ordinary stock quotation. The necessity of binding the shareholders by oath to prevent them from private trading introduced a personal element between the Adventurers which must necessarily have hampered transactions in shares. Considerable power was given in the acts of incorporation of the company to levy assessments. If these powers were exercised in accordance with the resolutions passed by the company, this fact must have

<sup>1</sup> Anderson, *History of Commerce*, ii. 199. Regulated Companies are defined by Anderson, i. 420.

<sup>2</sup> *Memoirs*, London, 1819, i. 257.



held back investors. For instance, at a meeting of the company 11 January, 1601-02, an assessment was laid for the voyage of discovery to the North West Passage, to which this clause was attached :

Provided always that if any brother of this fellowship shall deny to bring in his said contribution at the rate of twelve pence the pound of his former adventure, or do not bring in the same at or before the days and times before limited that then he or they shall satisfy and pay for a fine by way of deduction out of his stock adventure in the last voyage five times the value of the contribution by him payable by virtue of this Act.<sup>1</sup>

Whether under pressure of assessments or by virtue of sales, there were occasional transfers of interest in these ventures. They required, however, the approval of the company, which was obtained in the manner indicated in the following entry made at a meeting held 6 July, 1601 :

At this Court Francis Dent one of the Adventurers of this fellowship whose name is contained in the patent did present to this Assembly one George Bennett and prayed that he might be admitted in his place being willing to assign unto him both his freedom and his adventure which is Two hundred and forty pounds in his Adventure set down and supplies. Which this Court assented unto and in place of the said Francis Dent have received the said George Bennett and admitted him to this freedom as freely as if he had been nominated in the Patent.<sup>2</sup>

It is also to be noted that when the Common Seal was adopted in 1601, one of the alleged purposes was that "Every contributor might have a bill of Adventure of his Contribution under the common seal of the Company."<sup>3</sup> In April of the same year, in levying an assessment the interests of the Adventurers are spoken of as stock. Even at the very beginning of the Company we find stock and a certificate of ownership under seal of the Company,<sup>4</sup> although ownership was accompanied with various personal agreements and obligations, and transfers were only possible by consent of the Company.

<sup>1</sup> The Dawn of British Trade to the East Indies, London, 1886, p. 111.

<sup>2</sup> *Ibid.* p. 177.

<sup>3</sup> *Ibid.* p. 113.

<sup>4</sup> *Ibid.* p. 161. See also p. 220.

The Virginia Company also furnishes a few hints of the methods of these Adventurers. Subscribers to the funds of the company were by the terms of the second Charter in 1609 to be enrolled in the books of record of the Company, and were to be held and reputed Adventurers of the Colony, being capable of enjoying grants as if named in the letters patent.<sup>1</sup> In 1613, the Company brought suit in equity against some of the delinquent subscribers. In their petition to the Lord Chancellor, it is stated that upon receipt from subscribers of money, the Company "delivered their bills of receipt and enfranchisement sealed with the common seal of the Company."<sup>2</sup>

That the Company was regarded as a "joint stock Company" would appear from the memorandum in the Court Minutes of the East India Company 26 February, 1614, to the effect that permission was given Sir Thomas Dale, now employed in Virginia, to adventure £100 in the joint-stock at the request of Sir William Throgmorton.<sup>3</sup> Thus we have in the Virginia Company in 1613-14, a joint-stock company which issues evidences of ownership to shareholders under seal of the Company. What they expected in the way of dividends appears in 1616, when they declare that—

they intend, God willing, to begin a present division by lot to every man that hath already adventured his money or person, for every single share of twelve pounds ten shillings, fifty acres of land, till further opportunitie will afford to divide the rest, which we doubt not will bring at least two hundred acres to every single share.<sup>4</sup>

It was not, perhaps, necessary to show by these extracts that these incorporated trading companies were not at this early period the possible subjects of stock speculation. Contemporary allusions are met with which indicate knowledge of the work which the Companies were accomplishing, but these do not in any way connect their stocks with speculation.<sup>5</sup> Yet we must not overlook the fact that occasional rare quotations of East India stock are to be met with during this century; and that Houghton refers to New Jersey

<sup>1</sup> A. Brown's *Genesis of the United States*, i. 236.

<sup>2</sup> *Ibid.* ii. 627.

<sup>3</sup> *Ibid.* ii. 680.

<sup>4</sup> *Ibid.* ii. 777.

<sup>5</sup> The well known reference to "the still-vex'd Bermoothes" in the *Tempest* and the mention of Mexico as one of Antonio's ventures associate Shakespeare's name with these explorations. Jonson's reference to "Pocahontas"

and Pennsylvania as though they were on the market in 1694, and that Defoe associates the East India, Africa, and Hudson's Bay Companies with what he calls "public joint-stocks."

The companies which furnished the speculators with the means for "lowering and heightening" their stocks towards the end of the century were not, however, as a rule corporations. Behind the epoch of speculative activity which has rendered 'Change Alley immortal and has added to the interest which attaches to the names of Jonathan's and of Garraway's, there stretches a period when speculative dealings were apparently confined to patents and monopolies, the former word having, prior to the Statute of Monopolies, a much broader sense than it has to-day; a sense, indeed, which we have seen repeated by Shadwell in the reference to the patent for bringing over some Chinese dancers, as late as 1692.<sup>1</sup>

Hume gives us a long list of the patents and monopolies granted by Elizabeth to her courtiers.<sup>2</sup> These grants were continued by James the First in such profusion that in 1624 the Statute of Monopolies was passed, which prevented thereafter such grants being made except under the guise of inventions. Scattered through Anderson we find the titles of many patents, and turning to the dramatists of the day, we discover that they were somehow made use of for speculative purposes.

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in the *Staple of News* brings him in touch with Smith's *Generall Historie of Virginia*. Jonson's name is also associated with those of Marston and Chapman in the authorship of *Eastward Ho!* a play in which Virginia figures extensively. A reference to Pocahontas by Richard Brathwaite occurs in some verses prefixed to Capt. John Smith's *True Travels, Adventures, and Observations* (1630).

<sup>1</sup> It will be noted, however, that Shadwell says his patent was divided into "shares," thus making it conform to the conditions of the market. Moreover the traditional value of the "patent" for speculative purposes is shown in the suits referred to in which the projections were based upon patents.

<sup>2</sup> *History of England*, Boston, 1854, iii. 174. Hume cites D'Ewes as the source of his information. The list which he quotes is to be found in *The Journals of all the Parliaments during the reign of Elizabeth*, collected by Sir Simonds d'Ewes, Revised and published by Paul Bowes, London, 1682, p. 648. A list of monopolies or grants reported by a Parliamentary Committee will be found at p. 650. In a speech by Secretary Cecil, promising the revocation or suspension of the grants, they are reviewed by title, pp. 652, 653. These grants seem to be in the character of monopolies and scarcely the subjects of speculation.

If we were put upon our guard as to the speculative epoch prior to the South Sea Bubble by Scott's Peveril of the Peak we may, perhaps, find in the allusions of historians and dramatists to the similar state of affairs in the beginning of the century, a warning that to this period we must turn before we can safely say that we have got behind stock speculation. It is obvious that there were then speculative dealings in these grants. The question to be solved is, were there at that time any joint-stock companies?

Richard Brome, at one time a servant of Ben Jonson and later a writer of comedies, was one of those who joined in the attack upon this conspicuous abuse of the period. Brome died in 1652. In the *Court Beggar*, which was published in 1653, he introduces among the dramatis personæ "Three poore projectors," and in Scene 1 of Act I. he refers to "The Monopoly of making all the Perrukes, male and female through Court and Kingdome." This, obviously, is quite within the range of possible or even probable monopolies, but in the *Antipodes*, Act IV., Scene 9, he brings ridicule to bear upon the "projects" of the day, in a long speech, the character of which will be seen from the following extract:

As for yours,  
For putting down the infinite use of jacks,  
Whereby the education of young children,  
In turning spits, is greatly hindered,  
It may be looked into: and against yours  
The multiplicity of pocket-watches.  
Whereby much neighborly familiarity,  
By asking "What d'ye guess it is o'clock?"  
Is lost, when every puny clerk can carry  
The time o' the day in's breeches.

In 1632 Shackerley Marmion published a play called *Hollands League*. In the fifth Scene of the first Act, a boy announces that five or six are without and would speak with the principal character in the scene. He recognizes them as his "Gibeonites," his "old projectors," and adds:

One of them  
Will undertake the making of Bay-Salt,  
For a penny a bushel, to serve the State,  
Another dreames of building water-workes;  
Drying of Fennes and Marshes, like the Dutchman.

Again in the second Scene of the third Act, the same speaker says:

You'll put a period to my undertakings  
And save all my labor of projecting.

'T will hinder to the gaine of Courtiers  
Put on by me, to begge Monopolies.

It will be noticed that this play was published eight years after the passage of the Statute of Monopolies. Yet the author makes the projector base his hopes upon monopolies to be begged by courtiers.

It is, however, to Ben Jonson's *The Devil is an Ass* that we must turn if we would learn what a "projector" was in 1616 and how the projector proposed to make money for his client, or perhaps it would be better to say, what the delusions were by means of which he intended to rob his client. In Act I., Scene 3, of this play, the projector is thus defined:

Why, one sir, that projects ways to enrich men or to make them great, by suits, by marriages, by undertakings; according as he sees they humour it.

The relations of the client to the project are set forth in Act II., Scene 1:

He shall but be an undertaker with me  
In a most feasible business. It shall cost him  
Nothing . . .  
. . . . . He shall not draw  
A string of 's purse. I'll drive his patent for him.  
We'll take in citizens, commoners and aldermen,  
To bear the charge, and throw them off again  
Like so many dead flies, when it is carried.  
The thing is for the recovery of drowned land.

A follower brings in a "black bag of papers" from which the projector extracts numerous manuscripts. Project four is a method of dressing dog's skins. Another is for "Bottle-Ale:"

I will save in cork  
In my mere stop'ling, above three thousand pound.

A third is "Making Wine from Raisins," which would greatly reduce the price of all wines :

But how, sir, if you raise the price of the other Commodity,  
Raisins?

Why, then, I'll make it out of blackberries.

The particular project with which Fitzdottrell, the gull, is to be worked is the redemption of the fens, and this he himself describes in the same scene in the following words :

He has his winged ploughs, that go with sails,  
Will plough you forty acres at once ! and mills  
Will spout you water ten miles off ! All Crowland  
Is ours wife ; and the fens, from us, in Norfolk  
To the utmost bounds of Lincolnshire !

Even more seductive than this was the promise of the title "Duke of the Drowned Lands, or Drowndland." And here we see how Sir Walter Scott's memory played him false and linked the speculations of two centuries together in *Peveril of the Peak*. The draining of the fens, until it was actually accomplished, was a favorite field of the projectors. Randolph in the *Muses' Looking Glass*, Act III., Scene 1, puts in the mouth of one of his speakers, the following :

I have a rare device . . .  
to drain the fens.

The title of Jonson's play, to which reference has been made and its plot, the purpose of which is to show that a devil fresh from hell was unable to compete at that time with the iniquities of English society, would seem to demand from the author his highest efforts in satire when he comes to the enumeration of the projects to be offered to the gull. Yet the titles of those mentioned do not represent improbable schemes to us, however they may have seemed to contemporaries, nor is the picturesque language used by Fitzdottrel in describing them much different from that used in actual patents granted at this time to Court followers and inventors. In 1618 King James granted an exclusive patent to John Gilbert for the sole making and vending of what was clearly a dredger but which he called a "Water-plough," and for an engine "for the raising of Waters in greater quantity than

heretofore.”<sup>1</sup> To David Ramsey and Thomas Wildgosse he granted the sole use and benefit of certain discoveries and inventions, one of which was “For ploughing of Land without Horses or Oxen.”<sup>2</sup> Another was for making “Boats for the carriage of burdens and passengers to run upon the water as swift in calms, and more fast in storms, then Boats full sailed in great winds.”<sup>3</sup> Can one doubt that Jonson had actual knowledge of Gilbert’s inventions — I will not say the patent, for that was not granted till two years afterward — when he wrote the speech concerning the winged ploughs and the water spouted ten miles off, which has been quoted? Is it not probable that he thought that the keenest satire at his command was the list of patents actually granted?

<sup>1</sup> Anderson, *History of Commerce*, i. 498. See also Rymer’s *Fœdera*, xvii. 102, to which Anderson refers.

<sup>2</sup> Anderson, *History of Commerce*, i. 499; Rymer’s *Fœdera*, xvii. 121.

<sup>3</sup> Anderson relied almost exclusively upon Rymer for information as to the grants of this period. His descriptions of the patents are couched in the language of the originals as far as was possible. If we turn to the *Fœdera* we can see the documents in full. Some of these patents may perhaps suggest the use of steam as a power, though they lack details on this point. On 6 April, 1627, a patent was granted to William Brouncker and others “to put in use an Instrument or device for earing and Plowing of land without either Horses or Oxen” (*Fœdera*, xviii. 992). On 26 December, 1627, William Parham and others were granted a patent for an engine “that shall inforce all Manner of Mills of what Nature or Kind soever to grind and perform their wonted Labour without help of either Horse, Wind or Water” (*Ibid.* xviii. 992). In 1630 David Ramsey turns up again as a patentee. This time he secures a patent for raising “water from low pits by fire;” for making “any sort of Mills to go on standing waters by continual motion, without the help of wind, height or horse;” for making tapestry “without any weaving Loom or Wail ever yet in use in this Kingdome;” for making “Boats, Ships and Barges to go against strong wind & tide;” for raising “water from low mines & Coal pits by a way never yet in use” (*Ibid.* xix. 239–242). In 1632 Thomas Grent, a doctor in physick, was granted a patent for “An Instrument” which he said could be called the *Wind-Mate* which was “very profitable when common winds do fail for a more speedie passage of calmed Shippes or other Vessels upon the Sea or Great Rivers” (*Ibid.* xix. 371). In 1632 a patent was granted for a “*Fishe-call*, or a Looking-glasse for *Fishes* in the sea, very usefull for Fishermen to call all kinds of Fish to their netts or Hookes;” for a “*Water-Bowl* for the more speedy Preservation of Houses on Land or Ships at Sea from Fire;” and for a “*Building Mould* or *Stone Press*, very requisite for the building of Churches or great houses . . . without hewing, cutting, sawing, carving or engraving” (*Ibid.* xix. 371).

What concerns us most, however, in connection with these plays is, not so much the character of the patents and monopolies in which people speculated at this date, as the form of the speculation itself. Have we any signs in these quotations of the existence of the conditions which would permit stock speculations?

When Meercraft says —

He shall but be an undertaker with me  
In a most feasible business . . .  
We'll take in citizens, commoners and aldermen,  
To bear the charge, and throw them off again  
Like so many dead flies when it is carried,

he gives us an intimation that some sort of an organization was to be effected by means of which outsiders were to be drawn in, but there is no reference in all this to dealings in stocks. The projector of the day having discovered the "humour" of his victim, worked him either through "suits," "marriages," or "undertakings." In the latter event other gulls were to be sought for, but there is no hint of the intervention of the joint-stock company.

So far as the authorities referred to in this paper furnish any clue to the period when stock-jobbing began in England, they would seem to corroborate the assertion of Bolingbroke which associates it with the accession of William and Mary. The activity in dealings in joint-stocks, which in 1694 attracted the attention of Parliament, had been stimulated by the interference with ordinary avenues of investment, through the war which followed the change of monarchs. During the period of infancy stock-dealings did not attract attention. It was only when the dealers lost their heads and outsiders joined the market, that their transactions became matters of public interest. If this date be accepted as that of the probable origin of those dealings, the rapidity with which all the methods of modern times were developed will seem almost incredible. It may be that Macaulay is correct in his assertion that the word was coined in 1688 and Defoe may be correct when he asserts that the craze which begot stock-jobbing sprang up in 1680. But, what we can certainly say is that just after 1690 dealings in stocks had reached such a magnitude as to be condemned by hostile legislation, were characterized with such absurdities as to be



satirized by a playwright, and had developed such intricate bargains as to require explanatory essays at the hands of a serial publication.

If these represent the only positive conclusions to be drawn from our research, we may still claim that the negative results to be derived from our examination of the dramatists at the beginning of the seventeenth century will be helpful in keeping the reader from that condition of confusion which seems to have prevailed in the mind of Sir Walter Scott when he wrote *Peveril of the Peak*.

MR. ALBERT MATTHEWS exhibited a facsimile of *The Present State of the New-English Affairs*, printed at Boston in 1689 by Samuel Green, Jr., and spoke as follows:

It is well known that the earliest American newspaper to be established on a firm basis was the *Boston News-Letter*, the first number of which appeared 24 April, 1704. It is also well known that the *Boston News-Letter* was preceded by a genuine newspaper called *Publick Occurrences Both Forreign and Domestick*, printed at Boston by Richard Pierce for Benjamin Harris 25 September, 1690, and that the paper was at once suppressed. It is also known that the paper *Publick Occurrences* was preceded by a sheet measuring 14 $\frac{3}{4}$  by 9 inches, and bearing the imprint:

Bofton, Printed and Sold by *Samuel Green*, 1689.<sup>1</sup>

The heading is as follows:

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<sup>1</sup> Mr. Lindsay Swift calls my attention to a broadside which partakes "some-what of the character of a" newspaper. It bears this imprint:

*London*, Printed by *J. Dawks*, Re-printed at *Bofton*, in *N. E.* by *B. Green*, & *J. Allen*. 1697.

The heading is as follows:

London Septemb. 27.  
Yesterday Morning arrived Three *Holland Mails*,  
which bring the following Advices.  
Vienna, September 18.

The original is in the Boston Public Library, and is reproduced in facsimile in the Boston Public Library Bulletin for October, 1893, xii. 215. The lines are printed across the page.

## The Present State of the New-Englilh Affairs.

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**This is Published to prevent false Reports**

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In 1869 William H. Whitmore stated that "This document was issued as a broadside."<sup>1</sup> In 1881 Delano A. Goddard declared that "This sheet had none of the attributes of a newspaper."<sup>2</sup> In 1895 this statement was repeated by William Nelson.<sup>3</sup> In 1901 Dr. Samuel A. Green twice called the sheet a "broadside,"<sup>4</sup> and in 1903 alluded to it as a "sheet."<sup>5</sup> In 1906 Professor Clyde A. Duniway calls the sheet a "broadside" and states that it "had none of the attributes of a newspaper."<sup>6</sup> Finally, in the Massachusetts Archives (XXXV. 83) it is indexed as a "Printed Broadsheet."

On the other hand, more than a century ago it was suggested that this sheet might be a newspaper, and recently elaborate arguments have been made in favor of such a contention. The sheet has been reprinted no fewer than six times. It was first reprinted in a Boston magazine in 1789, preceded by the following words :

TO THE EDITORS OF THE MASSACHUSETTS MAGAZINE.

GENTLEMEN,

*As all facts relative to the first settlement and government of our country, ought to be handed down to posterity, and as the following is a very ancient publication, perhaps the specimen it affords of the language and manner of printing at so early a period, together with the information it contains, render it worth preserving in the Massachusetts Magazine. It was printed in 1689 (just a century ago) by Samuel Green, of Boston, in a Handbill, or Newspaper extraordinary, and entitled'* . . .

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<sup>1</sup> Andros Tracts, ii. 15 note, 18 note.

<sup>2</sup> Memorial History of Boston, ii. 387 note.

<sup>3</sup> New Jersey Archives, vol. xii. p. cxxix.

<sup>4</sup> Ten Fac-simile Reproductions Relating to Old Boston and Neighborhood, p. 3.

<sup>5</sup> Ten Fac-simile Reproductions Relating to Various Subjects, p. 17.

<sup>6</sup> Development of Freedom of the Press in Massachusetts (Harvard Historical Studies), p. 68 note.

<sup>7</sup> Massachusetts Magazine for October, 1789, i. 642. The passage quoted in the text is followed in the Massachusetts Magazine by a reprint of the sheet of 1689.

The sheet was next reprinted in 1824, and again in 1866, with the following introduction:

*Newspaper Extraordinary, 1689.*

[If the following may be considered as a Newspaper Extra., it was probably one of the earliest printed in this country. It was published by Samuel Green of Boston, in 1689, at the time that Dr. Increase Mather was endeavouring to procure a new charter for the colony of Massachusetts.]<sup>1</sup>

The sheet was for the fourth time reprinted in 1869 by Mr. Whitmore, who was unaware of the previous reprints.<sup>2</sup> In 1874 Joel Munsell, writing of the sheet under discussion, asked:

If this [Publick Occurrences of 25 September, 1690] can be claimed as a newspaper, may also the sheet printed by Samuel Green in 1689, the placard mentioned in the New Hamp. Hist. Soc. Coll., I, 252? This was issued at the time Dr. Increase Mather was in England, endeavoring to procure a new charter for the colony of Massachusetts. It was entitled *The Present State of the New English Affairs*, and was published to prevent false reports.<sup>3</sup>

In May, 1902, the sheet was printed in facsimile at the University Press for Mr. William Green Shillaber of the Club of Odd Volumes.<sup>4</sup> In 1903 Mr. Charles Evans stated that "This was the first publication in the nature of a newspaper issued in the Colonies."<sup>5</sup>

<sup>1</sup> Collections of the New Hampshire Historical Society, i. 252-255, viii. 258-260.

<sup>2</sup> Andros Tracts, ii. 15-18.

<sup>3</sup> In Thomas, *History of Printing in America* (1874), ii. 12 note.

<sup>4</sup> To the kindness of Mr. Shillaber I am indebted for a copy of one of these facsimile reproductions.

<sup>5</sup> *American Bibliography*, i. 81. In spite of this statement, Mr. Evans labels the sheet "Broadside. fol." Mr. Evans goes on to quote a remark made by the late J. Hammond Trumbull, but without stating where Trumbull made it. In reply to a letter of inquiry, Mr. Evans courteously writes as follows:

In a copy of Dr. S. F. Haven's "Catalogue of ante-Revolutionary Publications" prepared for the American Antiquarian Society's new edition of Thomas's *History of Printing*, formerly belonging to Dr. Trumbull, he has written against the entry of "The Present State of the New-English Affairs. Boston, 1689" the following:

"Boston" does not appear in the imprint, and it is in the highest degree improbable — indeed, it is *impossible* that such a tract was printed at the Boston press. After careful inspection of the typography and make up, I incline to the belief that it came from *Bradford's* press.

Finally, it was for the sixth time reprinted, again in facsimile, by Dr. Samuel A. Green in 1903.<sup>1</sup>

Mr. Shillaber's reprint consists of a folio, to the third page of which the facsimile is attached. The first page bears this title, enclosed within a border copied from the title-page of Eliot's Indian Bible, of which Mr. Shillaber owns more than one copy :

A Fac-Simile Reproduction of  
The Present State of the  
New-Englilh Affairs.  
Being the frst attempt at Newfpaper Publication  
on the American Continent.

The second page contains some remarks by Mr. Shillaber, of which the part pertinent to our immediate subject is here repeated :

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I have never seen the copy in the Massachusetts State Library, and can pass no criticism upon his judgment. From its author's absence in London, and Trumbull's statement, I am inclined to agree that it was not printed in Boston ; but my judgment refuses to follow him when he ascribes it to Bradford's press at Philadelphia.

Trumbull's blunder in asserting that "Boston" does not appear in the imprint is extraordinary.

After reading the remarks printed in the text, Mr. Evans wrote me an interesting letter from which the following passage is extracted :

Your statement that the broadside bears the printed colophon of Samuel Green, settles the place of printing definitely. It is not open to question, any more than any other book bearing his imprint would be.

The position you maintain regarding the publication being a broadside is also correct. Bibliographically speaking, the term broadside is used in the same way, and for the same purpose that folio, quarto, octavo, etc., are used — to convey to the mind some idea of form. It always indicates that the printed matter is on the face of the sheet, only. When the matter runs over to the other side it becomes a broadsheet, and is bibliographically described as : "pp. (2) folio." When the single sheet is folded it then becomes a "tract," and its bibliographical description becomes, when so folded, "pp. 16, 16 mo.;" when there are two or more sheets requiring to be sewn together the publication becomes a "pamphlet;" and, after five sheets, becomes a "book." The way in which the printed matter is displayed makes no difference whatever. Broadside Proclamations usually are composed across the face of the sheet. College "Theses" are usually in two columns. Elegies appear in one, two, or more columns according to length.

Strictly speaking, "The Present State of the New-English Affairs" is not a newspaper ; but in its ephemeral purpose to convey intelligence and mould public opinion it partakes of the nature of one in those particulars.

<sup>1</sup> Ten Fac-simile Reproductions Relating to Various Subjects. Though some, if not all, of the previous reprints were doubtless known to Dr. Green, he does not mention them.

IT has seemed to the writer that the credit for making the *first attempt* at newspaper publication on this side of the Atlantic Ocean should be given to Samuel Green, Junior, of Boston, who printed in the fall of 1689 a sheet which he called *The Present State of the New-English Affairs*, and which is herewith reproduced in facsimile. The object of the reproduction is to give those who may be interested in the subject a convenient opportunity to examine the publication, and decide whether or not the claim is a reasonable one.

In early times, as is of course well known, news of general interest passed from one person to another by means of news-letters, being exactly what the name implies, namely:—manuscript letters containing the news of the day. Samuel Green, Junior, is supposed to have been a writer of these news-letters, and he seems to have originated the idea of printing several copies instead of writing one or more. One copy of this first attempt is extant. It is in the Massachusetts Archives, Vol. 35, page 83. As it is printed in two columns, *newspaper style*, it is not a broadside. It is folio in size, printed on the recto, the verso being blank. So far as is known, the experiment was not repeated by Green. There is, however, no evidence that this newspaper was his only publication of the kind; others may have been printed of which no copy now exists. The following year, Sept. 25, 1690, R. Pierce printed for Benjamin Harris at Boston a similar publication, which he called *Public Occurrences*. A comparison of these two newspapers will show, at least so it seems to the writer, that Pierce or Harris copied the idea of Green; the only important difference being that Pierce promises an issue once every month, "Or if any Glut of Occurrences happen, oftener." Also, instead of one page, three pages of two columns each are printed on two leaves, the last page being blank. . . . But one copy of *Public Occurrences* is known to exist, and it is kept in the Colonial State Paper Office in London. It has, however, been reprinted in this country, and bibliographers generally allude to it as the first newspaper effort.

In April, 1903, Mr. George H. Sargent, writing in the column of the Boston Evening Transcript called *The Bibliographer*, considered at length Mr. Shillaber's reprint, and accepted unequivocally Mr. Shillaber's conclusion. A portion of Mr. Sargent's remarks is here given:

Thomas, in his *History of Printing in America*, purposely omits this publication and the "*Publick Occurrences*," and gives John Campbell . . . the credit of publishing the first American newspaper, "*The*

Boston News-Letter." . . . In the note to Thomas's History of Printing, however, he [Isaiah Thomas] mentions the "Publick Occurrences," and refers to the reprint of it by Dr. Samuel A. Green, who in the Massachusetts Historical Magazine<sup>1</sup> for August, 1857, refers to this as the first American newspaper. (Vol. i., pages 228-231.) But the note adds: "If this can be called a newspaper, may also the sheet printed by Samuel Green, Jr., in 1689, the placard mentioned in the New Hampshire Historical Society Collections, vol. i., page 252?" There seems to have been no question in the mind of [Isaiah] Thomas that both were in the same class.<sup>2</sup>

If not a newspaper, what was the "New English Affairs"? It was printed in newspaper style, beyond question. The fact that it was printed on one side only proves nothing. There may not have been such a "glut of occurrences" as to warrant two pages. The heading was that of a modern newspaper, and the rules across the page under the headline, with the sentence, "This is published to prevent False Reports", indicates that it was the intention to continue the publication from time to time, as "False Reports" is too much of a ghost to be laid once and for all time. The publication has been called a broadside, but it was not a broadside in form, as the Century Dictionary defines a broadside. Any one who takes the pains to look into the subject in all its bearings must be forced, it would seem, to the conclusion that the "New English Affairs" was more than the first attempt to publish a newspaper in this country — it was the first successful attempt, and to Samuel Green, Jr., belongs the honor of publishing the first newspaper on the American continent.<sup>3</sup>

Instead of cavalierly dismissing the question with the curt statement that the sheet of 1689 is a broadside, it seems to the present writer at once more satisfactory, as well as more courteous, to examine with care the arguments advanced by those who maintain that the sheet is a newspaper. Besides, the mere assertion that the sheet of 1689 is a broadside is not in itself conclusive, and leaves untouched the question whether it is or is not a newspaper. For as a broadside may be a newspaper, and as a newspaper may

<sup>1</sup> The Historical Magazine is meant.

<sup>2</sup> It was not Isaiah Thomas, but Joel Munsell, who wrote the words quoted by Mr. Sargent. See p. 312, above, and pp. 319, 320, below.

<sup>3</sup> Boston Evening Transcript, 29 April, 1903, p. 19/1. An article on the same subject by the present writer was printed in the same paper of 27 May, 1903, p. 21/3.

be a broadside, it follows that the sheet of 1689 may be either (1) a broadside but not a newspaper, or (2) a newspaper but not a broadside, or (3) a broadside and also a newspaper.<sup>1</sup>

Let us begin our examination with Mr. Shillaber's remark that the sheet, "as it is printed in two columns, *newspaper style*, . . . is not a broadside." We here have, first, the implication that the printing in two or more columns is a characteristic essential to a newspaper; and, secondly, the statement that in a broadside the lines must be printed not in columns but across the page. It can be shown, I think, that in both respects Mr. Shillaber and Mr. Sargent are under a misapprehension. An hour spent in the Newspaper Room at the British Museum will convince the inquirer that a newspaper may be printed in almost any number of columns from one to nine or more. The Burney Collection contains many newspapers of the seventeenth century. In Volume III. of that Collection will be found *The Newes of this Present Weeke* of 12 May, 1623, No. 31, where all the lines of the twenty-two pages are printed across the page. The same is true of *Our Last Newes* of 2 October, 1623, No. 50. Volume XXV. contains various newspapers for 1646, in all of which the lines are printed across the page. Volume XC. contains various newspapers for 1682, in some of which the lines are printed across the page, while in others the lines are arranged in two columns on a page. In short, the printing in two or more columns is not a characteristic essential to a newspaper.

In stating that the sheet of 1689 is not a broadside, Mr. Shillaber and Mr. Sargent have relied on the definition of a broadside given in the *Century Dictionary*:

A sheet printed on one side only, and without arrangement in columns; especially, such a sheet containing some item of news, or an attack upon some person, etc., and designed for distribution.

It seems probable that this definition is based on the definition given in the *Imperial Dictionary* (1882), where we read: "In printing, a sheet of paper, one side of which is entirely covered by a single page." It will be remembered that material taken from the *Imperial Dictionary* was freely used in the preparation of the *Century Dictionary*. I have examined many dictionaries published

<sup>1</sup> Several of the supplements to the Boston newspapers issued in the eighteenth century were broadsides.

during the past two hundred years, and the only ones in which I have found such a definition are the *Imperial* and the *Century*. The notion that, in order to be a broadside, a sheet must be printed in a single column only, is not countenanced either by the dictionaries (with the two exceptions named) or by the extracts quoted in them. In the *Oxford Dictionary*, that great storehouse of our knowledge of usage in the English language, Dr. Murray defines a broadside as "a sheet of paper printed on one side only, forming one large page," and gives extracts in illustration ranging from 1575 to 1861. He also gives quotations for "broadsheet," which has the same meaning as broadside, ranging from 1705 to 1878. It seems impossible to escape the conclusion that the definition given in the *Imperial* and in the *Century* must be pronounced erroneous; and if such is the case, the argument that the sheet of 1689 cannot be a broadside falls to the ground.

Comparing the sheet of 1689 with the newspaper called *Publick Occurrences*, printed by Pierce for Harris 25 September, 1690, Mr. Shillaber remarks that "the only important difference" is "that Pierce promises an issue once every month, 'Or if any Glut of Occurrences happen, oftener;'" and also, that "instead of one page, three pages of two columns each are printed on two leaves, the last page being blank." Even if these were the only differences, a little consideration will show how important they are. First, as to the promise of a future issue. An essential feature of a newspaper is its appearance at regular but short intervals. The *Publick Occurrences* was numbered, and its regular appearance once a month was promised, with the possibility of a still more frequent issue. On the other hand, the sheet of 1689 was not numbered, and there is not a particle of evidence to indicate that Green intended to issue a second similar sheet. Secondly, *Publick Occurrences* contains two leaves, or four pages, of which three pages are filled with printed matter, the fourth page being blank. Consequently, *Publick Occurrences* cannot possibly be a broadside.

The sheet of 1689, on the contrary, is printed on one side only of a single leaf, and not only may be a broadside, but in the opinion of such authorities as Whitmore, Goddard, Nelson, Dr. Green, and Professor Duniway, is a broadside.

In addition to these two differences, one of which is fundamental, another important difference between the sheet of 1689



and the newspaper of 1690 may be dwelt upon. The first column of the sheet of 1689 is entirely filled by an extract from a letter written from England by Increase Mather on 3 September, 1689, to Governor Bradstreet. The first half of the second column is occupied by "*A Passage extracted from the publick News-Letter, Dated July 6, 1689,*" containing an account of the interview between Increase Mather and King William III. Then follows an extract from a letter written by Increase Mather on 2 September, 1689, to his son Cotton Mather, relating to the same subject. Finally, there is the statement that an order has just arrived from King William, dated 30 July, 1689, requiring the Government in New England to send Sir Edmund Andros, Edward Randolph, and others to England by the first ship. In short, all four documents relate to a single subject, the political affairs of New England,—as indeed the title of the sheet implies. Turning, now, to the Publick Occurrences of 1690, we find a long editorial introduction, filling nearly a column.<sup>1</sup> We then have news about the Christianized Indians near Plymouth, about farmers, about Indians lurking near Chelmsford, about a tragical accident at Watertown, about fevers and agues in some parts of the country, about the smallpox in Boston, about a fire in Boston, about a vessel seized at Penobscot by Indians and French, about the expedition against Canada under Sir William Phips, about certain Mohawks killed by the French and other Indians, about the West Indies, about the proclaiming of King William at Cork, Ireland, about King William's victory in Ireland, about the King of France, about Indians at Saco and other places. Clearly, this news is comprehensive and in striking contrast to the single subject to which the sheet of 1689 is confined.

Let me now explain my notion as to how the sheet of 1689 came to be printed. The Revolution had taken place in England, and a new King had come to the throne; in New England the Massachusetts Charter had several years before been vacated, the Andros Government had been overthrown, and Increase Mather was in England

<sup>1</sup> Publick Occurrences was reprinted by Dr. Samuel A. Green in the *Historical Magazine* for August, 1857, i. 228-231; by F. Hudson in his *Journalism in the United States, from 1690 to 1872* (1873), pp. 44-48; and again, this time in facsimile, by Dr. Green in his *Ten Fac-simile Reproductions Relating to Old Boston and Neighborhood* (1901).

for the purpose of procuring a new charter and of looking after the interests of New England. What view would King William take of the doings of the New Englanders? The question was one of supreme importance. When two letters from Increase Mather, a public news-letter, and an order from King William reached Boston, the excitement and interest must have been intense. In order "to prevent false reports," extracts from the documents just received were printed either through the enterprise of Samuel Green, or through the desire of Governor Bradstreet to allay misapprehensions. That the sheet which we have been considering at such length was not the only one issued is proved by the following:

Whereas many papers haue beene lately printed & dispersed tending to the disturbance of the peace & subuersion of the gouern̄t of this theire Maiesties Collonie King William & Queene Mary It is therfor ordered that if any person or persons within this Collony be found guilty of any such like Misdemeanour of printing publishing or concealing any such like papers or discourses or not timely discover such things to Authority or doe any act or thing that tends to the disturbance of the peace or the subuersion of this govern̄t They shall be accounted enemies to theire Maiesties present Gouvern̄t & be proceeded ag<sup>t</sup> as such with uttermost severity

Nov<sup>r</sup>: 8<sup>th</sup>: 1689, Past in the affirmative

by the Representatives

EBENEZER PROUT *Clerk*<sup>1</sup>

Finally, it should be pointed out that Mr. Sargent's statement that there was "no question in the mind of [Isaiah] Thomas that both" the sheet of 1689 and the newspaper of 1690 "were in the same class," cannot be accepted. In his *History of Printing in America*, published in 1810, Thomas did not mention either the sheet of 1689 or the newspaper of 1690. This omission was not, as Mr. Sargent holds, made "purposely," but doubtless because Thomas did not know of their existence. Otherwise he would scarcely have made this statement:

THERE was not a newspaper published in the English colonies, throughout the extensive continent of North America, until the 24th of April 1704.<sup>2</sup>

<sup>1</sup> Massachusetts Archives, xxxv. 78.

<sup>2</sup> *History of Printing in America* (1810), ii. 191.

Thomas died in 1831 and his *History of Printing in America* was issued in a second edition, with notes by various persons, by the American Antiquarian Society in 1874. The note quoted by Mr. Sargent, as has already been shown in the text of this paper,<sup>1</sup> was written not by Thomas but by Joel Munsell. Consequently the authority of Thomas cannot be cited one way or the other. It will be observed, too, that Munsell himself was by no means certain about the matter and put his remark in the form of a question.

The conclusion reached by me is that the sheet of 1689 is a broadside, but is not a newspaper.<sup>2</sup>

Mr. HENRY H. EDES communicated (1) a letter written 19 February, 1785, by President Joseph Willard of Harvard College to Governor John Hancock, who had taken umbrage at some fancied slight put upon him at a dinner given to Lafayette the previous October; (2) a letter dated 27 December, 1791, from President Willard to Governor Hancock, relating to the chaplaincy at Castle Island, Boston; and (3) a draft of a letter written 20 October, 1783, by Governor Hancock to President Willard, offering to build a fence about the College Yard. The letters follow.

## I

## JOSEPH WILLARD TO JOHN HANCOCK.

CAMBRIDGE February 19, 1785

SIR,

I was at Boston yesterday, and was no less surprised than grieved to hear (for the first time) that your Excellency supposes, that I treated you with disrespect, the day the Marquis de la Fayette dined in company

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<sup>1</sup> See p. 312, above.

<sup>2</sup> In a work just published, Professor Duniway remarks:

When the government found it necessary to enlighten the people on the course of public affairs, it authorized Samuel Green to publish a broadside entitled "The Present State of the New-English Affairs," and bearing the indorsement "This is Published to prevent False Reports" (*Development of Freedom of the Press in Massachusetts*, p. 68).

with you, in the College Hall.<sup>1</sup> I am informed, that you suppose, that I placed you at table, that day, below the Marquis; and are therefore offended, as you would have reason to be, were that the case.

I wish your Excellency would be pleased to recollect the order at table, in the Hall, on the Commencement day — a day, which belongs to the Overseers, as well as to the Corporation. At that time, the Governor sits at the upper end of the first table, and facing the entrance of the Hall. This is reckoned the first place. The Lieutenant Governor sits directly opposite to him, on the other side of the same table. This is reckoned the second. The President sits next to the Governor, on the same bench; which is reckoned the third place.

It was considered proper, that the President, as Head of the Corporation, who ordered the dinner and made the invitations, the last fall, should take the head of the table and be master of the ceremonies; but I perfectly remember, when we were going to dinner, that I desired your Excellency to take the next place at the table, viz, that directly opposite to the President; and I also desired the Marquis to take the seat next below the President, on the same bench; which was the third place. So far was I, therefore, from designing or attempting to place your Excellency below the Marquis, that my intention was directly the reverse. I beg your Excellency to advert to what passed on that occasion, and at the same time recollect the order at table, on the Commencement day, and I think that you must acquit me from any design to treat you with disrespect, or offer you an affront, than which (I can sincerely say) nothing could be farther from my mind.

I cannot bear to lie under the above imputation, when I am conscious that I do not deserve it; and I am no less solicitous to vindicate myself now that your Excellency has been pleased to retire to private life, than if you were still in the Chair of Government, your resignation of which is so far from giving me pleasure, that it affords me much uneasiness and pain, as I doubt not it does the people in general.

I wish you, Sir, the full recovery of your health, and the enjoyment of every blessing: And may the inhabitants of this land, whom you have so generously and nobly exerted yourself to serve, and whose best interests you have so essentially promoted, ever feel their obligations and discover a true sense of them!

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<sup>1</sup> The Hall in Harvard Hall. Mr. William C. Lane writes me that —

The entrance to Harvard Hall was always, I believe, in the same position as at present, namely, in the middle of the South side. The dining hall was at the East end of the building, that is, on the right of the entrance: and the "entrance of the hall" must have been, I should think, the door from the hallway into the Commons room, that is to say, the Governor would face the West.

I consider myself under great obligations to your Excellency, for many favors, of which I shall ever retain a grateful remembrance; and in whatever light you may view me, a high esteem and regard for you will always possess the mind of him,

who has the honor of being,  
your Excellency's most humble  
and obedient servant

JOSEPH WILLARD.

His Excellency Governor HANCOCK.

[Filed]

President Willard

1785

## II

### JOSEPH WILLARD TO JOHN HANCOCK.

CAMBRIDGE December 27. 1791.

SIR,

Sometime since your Excellency enquired of me whether I knew any Gentleman whom I could recommend to you as a suitable person for a Chaplain at the Castle. As I knew of no person at that time I have borne the matter upon my mind as I promised your Excellency but have not been able to find any one disengaged, who I supposed would answer for that station.

This day the Rev<sup>d</sup> Mr Foster<sup>1</sup> formerly a Minister of Berwick but

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<sup>1</sup> The Rev. Jacob Foster was born in Holliston, Massachusetts, 10 March, 1732, graduated at Harvard College in 1754, married to Hepzibah Prentiss of Cambridge, 1756, ordained at Berwick, Maine, 1756, dismissed at his own request and entered the Continental Army as Chaplain of Col. James Scammon's Regiment, 1775, installed at Packersfield (now Nelson), New Hampshire, 1781, and retained the pastorate ten years. He died at Packersfield 3 December, 1798 (E. J. Forster, *The Pedigree and Descendants of Jacob Forster, Senior, of Charlestown*, 1870, pp. 7, 8). He also appears to have served in Col. Edmund Phinny's Regiment at Fort George in 1776. See *Massachusetts Soldiers and Sailors of the Revolutionary War*, v. 875, 904; Paige, *History of Cambridge*, pp. 630, 631.

It appears by the Executive Council Records that Hancock did not consider favorably the recommendation of President Willard, since the Rev. Thomas Cushing Thacher (H. C. 1790) was nominated by the Governor 28 January, 1792, "as Chaplain to the Garrison at Castle Island," and that the appointment was consented to. Mr. Thacher held the post but little over a year, as Mr. Jacob Emerson (H. C. 1756) was appointed and confirmed as his successor 26 March, 1793.

lately of Packersfield with whom I have been acquainted for a considerable number of years came to my house. He informs me that he has lately left his parish and is at liberty to supply any vacant desk. Might not this Gentleman, Sir, from his age, experience and character make a suitable Chaplain? Your Excellency must formerly have been acquainted with him as he was your Classmate. How far you may have known him since you took your degree I cannot say. However, your Excellency may be assured that he has supported a good character in the ministry and that his leaving his people has arisen from some untoward circumstances in the parishes of which he has had the care. I know this to have been the case at Berwick.

Should your Excellency think M<sup>r</sup> Foster a suitable person to fill the Chaplaincy, and see fit to give him the appointment, it would be serving a worthy man, whose lot in life has been hard.

I am,

with sentiments of the highest respect,

your Excellency's most humble & obliged servant

JOSEPH WILLARD

His Excellency the Governor.

[Filed]

Joseph Willard's

letter Dec<sup>r</sup> 27. 1791

### III

#### JOHN HANCOCK TO JOSEPH WILLARD.

Boston Octo<sup>r</sup> 20<sup>th</sup> 1783.

REV<sup>d</sup> SIR

However illiberal the Treatment I have met with from some of the former & present Governors of the College has been, it shall never operate in my mind to the Prejudice of the University at Cambridge. I most sincerely wish its Enlargement; the present appearance of those Buildings is very disagreeable for want of a Reputable Inclosure, they must appear to a Stranger as Buildings totally neglected & Deserted, instead of being improv'd for the noble purposes they are now Occupied. I wish to Remedy this inconvenience, and have to Request (if worthy your Notice) that you would be pleas'd to give orders to your College Carpenters to Erect a Respectable Fence around those Buildings, such an one as shall not Disgrace the Buildings, & such an one as shall be pointed out to them by your self & Doctor

Cooper,<sup>1</sup> whose Instructions they are to follow, & upon your Signifying the Completion of the Business, & Transmitting to me the Bill of its Amount, it shall meet with immediate Payment.

My best wishes for your prosperity & that of the University under your Charge Concludes me, Rev<sup>d</sup> Sir

Your very hum<sup>e</sup> ser<sup>t</sup>

J H

Rev<sup>d</sup> M<sup>r</sup> President WILLARD

[Filed]

To the Rev<sup>d</sup> Presid<sup>t</sup> Willard

1783

Mr. WILLIAM C. LANE exhibited some water-color views of the College buildings made by John Abbot of the Class of 1798, and spoke as follows :

The absence of a fence about the College Yard, referred to in Governor Hancock's letter, was no doubt due to the occupation of the College buildings by the Provincial troops at the opening of the Revolutionary War. In an "Account of Damages done to the Colledges by the Army after April 19<sup>th</sup>, 1775, which remained to be made good after the first repairs were made previous to the return of the Scholars,"<sup>2</sup> besides knob-locks and box-locks, paper and paint, window blinders, chapel window curtains, two hundred square feet of sheet lead, *etc.*, is noted "63 rods of board fence that was round the Colledge Yard, 12/ per rod, £37. 16s." The whole account of damages amounted to £417. 8. 8, which sum was voted by the General Court 23 April, 1778, and paid over to the College the next day. It is likely enough that in the difficult situation in which the College found itself during the war, the fence was not promptly repaired. Whether Governor Hancock's offer was accepted is doubtful. There is no reference to it in the Records of the Corporation. On the contrary, the Corporation voted 2 May, 1785, "that the President, the Treasurer, and Professor Wigglesworth be desired to agree with some Workmen to build a fence in the front of the Colleges, upon the best terms they

<sup>1</sup> The Rev. Samuel Cooper, a member of the Corporation and minister of the Church in Brattle Square, Boston, where Hancock worshipped.

<sup>2</sup> Harvard College Papers, ii. 40.

can.”<sup>1</sup> This seems to imply that Hancock’s fence was never built—at least not along the front of the College Yard.

The simple character of the earlier board fence is shown in Revere’s engraving, reproduced in the Harvard Graduates’ Magazine, 1903 (XII. 338). The new fence, of a more elaborate character—closed below and open palings above, and with somewhat stately gate-posts—is shown in many of the later views of the College; for example, in the Massachusetts Magazine for June, 1790 (II. 321), reproduced in W. L. Andrews’s *A Prospect of the Colleges in Cambridge*. Several water-color views of the College buildings, by John Abbot, of the Class of 1798, and doubtless painted about that time, show an ordinary board fence along the sides of the College Yard; that is, south of Massachusetts Hall, and north of Holden Chapel and Hollis Hall, and running at the back only a few feet east of these buildings.

The vote conferring the degree of LL.D. on Lafayette is recorded in the Corporation Records 20 October, 1784,<sup>2</sup> but there is no reference in the Records, or in contemporary newspaper accounts, to the dinner at which Lafayette was entertained, and to which President Willard’s letter refers. But in the College Treasurer’s Journal (U.A. I. 4. 44), November, 1784, these entries appear:

5 Corporation Dinners, etc.	£21 . 8 . 5
1 D <sup>o</sup> for Marquis De la Fayette	15 . 19 . 2

On the next page appear the items:

P <sup>d</sup> James Carter	
engrossing Diploma for the Marquis	
De la Fayette	£ 1 . 16 . 0
Z. Brigden, a Silver Box for Seal	1 . 6 . 0
Ribbon & Wax for D <sup>o</sup>	0 . 3 . 2
2 pr. brass handles for Cabinett	0 . 11 . 2
	<hr/>
	£ 3 . 16 . 4

and in March, 1785:

P <sup>d</sup> J: How, a Tin Case, For a Diploma	
for the Marquis de la Fayette	£ 0 . 7 . 6

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<sup>1</sup> College Book No. 8, p. 195.

<sup>2</sup> *Ibid.* p. 177.



The tin case may have been similar to that in which Franklin's diploma was enclosed.<sup>1</sup> Whether the tin case was enclosed in the cabinet, or the cabinet within the tin case, it would be hard to say.

The text of the diploma is preserved in a manuscript volume in the College Archives, entitled, "Drafts of Diplomas, 1779-1810" (UA. III. 1. 80), in which most of the diplomas awarded from 1779 to 1810 are recorded. This supplements the similar record in the back of College Book No. III.<sup>2</sup> The text of the diploma follows.

Senatus Universitatis Harvardianæ Cantabrigiensis, in Republica Massachusettsensi, omnibus, ad quos Literæ præsentēs pervenerint, salutem in Dominosempiternam.

Cum eum in finem Gradus Academici instituti fuerint, ut Viri disciplina, sapientia et virtute insignes, qui et de Re literaria et de Republica optimè meruerint, Honoribus Laureatis remunerarentur; maxime decet, quod hujusmodi honore afficiatur Vir ille nobilissimus Marchio De la Fayette, scientiis multis et variis ornatus, in legibus vero tam Naturæ et Gentium quam Civili versatus, generis humani libertatum Amicus et Patronus fervidus, strenuus, constans; Qui, Nationis nostræ nascentis, cum Brittannis pro aris & focis fortissime animisque magnis colluctantis, amore et reverentia motus, sese quam maturrime ad exercitum Americanum militem voluntarium adjunxit, et paulò post, prælio cum hostibus inito, vulnus accepit. His peractis, ille Vir eximius a gradu ad gradum in exercitu promotus, citò ex Imperatoribus summo proximis constitutus fuit. Inde, locis variis, dum bellum arsit rem militarem agens, denique illustrissimo Washington Eboracum Virginienſe obsidione cingenti, fortiter, et strenue astitit; quum arma fœderata, hostium Imperatorem obsessum, una cum exercitu ejus in deditionem redigendo, bellum ad finem felicissimè perduxerunt, quo, Rerumpublicarum fœderatarum summa potestas stabilita fuit, et pax Nationibus belligerantibus restituta.

In pace, æque ac in bello, Rebuspublicis nostris Amicum conspicuum sese ostendit, præcipuèque, ut commercium illarum promoveretur, à quo beneficia haud pauca oritura sint, feliciter contendit.

Notum igitur esto, quod Nos Præses et Socii, consentientibus honorandis admodum ac reverendis Universitatis supradictæ Inspectoribus, nobilissimum Marchionem de la Fayette supra nominatum, Juris utriusque, tum Naturæ et Gentium tum Civilis, honoris causa, Doctorem statuimus et creavimus eique dedimus atque concessimus omnia jura,

<sup>1</sup> See p. 230, above.

<sup>2</sup> See p. 230, above.

privilegia, dignitates ac honores, quibus ad istiusmodi Gradum evecti ornantur, vel ornari debent.

In cujus rei testimonium, Literis hisce, nostro communi Sigillo munitis, die Octobris XXI, Anno Salutis humanæ MDCCLXXXIV, Rerumque publicarum Americæ fæderatarum summæ potestatis IX, apposuimus chirographa.

Mr. MATTHEWS made the following remarks:

So much attention has always been paid to Harvard College affairs by the newspaper press, that I supposed it would be easy to run down contemporary allusions to Lafayette's visit to Cambridge. On the contrary, I have been astonished to find that apparently the receiving of the degree and the dinner were alike ignored. Soon, however, this visit to America of Lafayette became the subject of comment. Crèveœur's celebrated Letters of an American Farmer were first published at London in English in 1782. In 1787 a French edition, much enlarged, was published at Paris, and in this Crèveœur devotes no fewer than sixty-six pages to an account, drawn chiefly from American and French newspapers, of Lafayette's tour in 1784.<sup>1</sup> In 1878 the late John Austin Stevens wrote a paper on the Visit of Lafayette to the United States, 1784.<sup>2</sup> In these, Lafayette's visits to Hartford, Worcester, Salem, Marblehead, Beverly, Newburyport, and Portsmouth, are duly recorded, but there is no mention of the visit to Cambridge.

I should like, however, to quote two brief extracts. In a Boston newspaper<sup>3</sup> appeared the following—

#### EPIGRAM,

To the MARQUIS DE LA FAYETTE.

FROM whence Columbia, do thy blessings flow?  
And whence does war inexorable cease?  
Does not the western hemisphere yet know  
'T was Heav'n's great FYAT lull'd the world in peace?  
A. B.

Oct. 17, 1784.

<sup>1</sup> Lettres d'un Cultivateur Américain, ii. 314-380.

<sup>2</sup> Magazine of American History, ii. 724-733. See also Étienne Charavay, *Le Général La Fayette* (1898), pp. 106-115.

<sup>3</sup> *Massachusetts Centinel*, 20 October, 1784, p. 2/3.

Under date of 29 July, 1827, Samuel Breck wrote:

Judge Peters, who has been made a doctor of laws lately, told me that when La Fayette was in America during the Revolutionary War, some university in New England created him doctor of laws. Old Baron Steuben did not like this. He thought it derogatory to the military character to be dubbed a doctor. Shortly afterward the baron, at the head of a troop of dragoons, was obliged to pass through the town in which the university was that had elected La Fayette. He halted his troop at the entrance of the town, and addressed it thus: "You shall spur de horse vel and ride troo the town like de debbil, for if dey catch you dey make one doctor of you."<sup>1</sup>

It would be a pity to submit this amusing story to critical examination. If the Harvard Quinquennial Catalogue<sup>2</sup> is destructive of its authenticity, the story at least shows the existence of a tradition.

Mr. HENRY LEFAVOUR of Boston was elected a Resident Member, and Mr. ROBERT HALLOWELL GARDINER of Gardiner, Maine, was elected a Corresponding Member.

<sup>1</sup> Recollections (1877), p. 280.

<sup>2</sup> According to the Quinquennial Catalogue, the only degrees received by Lafayette during the eighteenth century were from Harvard College in 1784, from the University of Pennsylvania in 1787, and from the College of New Jersey in 1790.

## APRIL MEETING, 1906.

A STATED MEETING of the Society was held at No. 25 Beacon Street, Boston, on Thursday, 26 April, 1906, at three o'clock in the afternoon, the President, GEORGE LYMAN KITTREDGE, LL.D., in the chair.

The Records of the last Stated Meeting were read and approved.

The PRESIDENT appointed the following Committees in anticipation of the Annual Meeting:

To nominate candidates for the several offices, — Mr. WILLIAM ENDICOTT, the Rev. HENRY A. PARKER, and Mr. DENISON R. SLADE.

To examine the Treasurer's accounts, — Messrs. T. JEFFERSON COOLIDGE, Jr., and WALTER C. BAYLIES.

The CORRESPONDING SECRETARY reported that letters had been received from Mr. HENRY LEFAVOUR accepting Resident Membership, and from Mr. ROBERT HALLOWELL GARDINER of Gardiner, Maine, accepting Corresponding Membership.

Mr. HENRY H. EDES, the delegate appointed at the Stated Meeting in March to attend the celebration in Philadelphia by the American Philosophical Society of the two hundredth anniversary of the birth of Benjamin Franklin, made an oral report. He described the proceedings at the several sessions of the Society; the ceremonies at Franklin's grave; the presentation in accordance with an Act of Congress of the Franklin gold medal to the French Republic; the restoration to the Nation by Earl Grey, at the hands of Mr.

Choate, of the portrait of Franklin taken from his house in Philadelphia by Major André, during the occupation of the city by the British troops, and presented by him to an ancestor of Earl Grey; the evening reception of the delegates; and the banquet with which the celebration closed. Mr. Edes also called attention to the fact that among the delegates, representing various learned societies, were ten of our own fellowship: Vice-President William Watson Goodwin, Mr. Joseph Hodges Choate, Mr. Simon Newcomb, Dr. Horace Howard Furness, Mr. James Burrill Angell, Mr. Daniel Coit Gilman, Mr. Arthur Twining Hadley, Mr. Andrew McFarland Davis, Mr. Herbert Putnam, and the delegate from this Society; and among these were two of the three Orators — Mr. Choate, President Eliot, and Dr. Furness — who made the commemorative addresses at the Academy of Music on Friday the twentieth of April.

In common with most of the learned bodies that were represented at the celebration, this Society presented an address of salutation<sup>1</sup> to the American Philosophical Society. The text follows.

**The Colonial Society of Massachusetts**

To

**The American Philosophical Society**

Greeting

**I**n addressing your ancient and distinguished Society on an occasion at once so memorable and so auspicious as the Two Hundredth Anniversary of your Founder's Birth, it would ill become us to use many words, being, as we are, among the youngest of the many bodies — academic, literary, scientific, and historical — that press forward to

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<sup>1</sup> The address was written by President Kittredge and engrossed on parchment, measuring 17 by 22 inches, by Mr. Albert F. Hall, the initial letter being illuminated in blue and gold. The seal was pendant on a scarlet grosgrain silk ribbon.



*The Colonial Society of Massachusetts*  
TO  
*The American Philosophical Society*

Greeting:

**I**n addressing your ancient and distinguished Society on an occasion at once so memorable and so auspicious as the Two Hundredth Anniversary of your Founder's Birth, it would ill become us to use many words, being, as we are, among the youngest of the many bodies—academic, literary, scientific, and historical—that press forward to felicitate you and to do honor to *Benjamin Franklin*. Nor is it needful that we should recite facts which are enrolled in the annals of our Country, and which are familiar to all citizens of the Republic of Letters.

Yet we have deemed it fitting to put on record our sense of the profound significance of this day, and we have, accordingly, delegated our Associate, *Henry Herbert Wood*, to offer to your Society an expression of our sentiments of respect and congratulation.

May your Society, which preserves in its name and exemplifies in its practice the old and all-inclusive meaning of the term Philosophy, long continue to maintain and propagate the traditions that you derive

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a Citizen of the World, and whose chief concern was the amelioration of  
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**"Courage, wisdom, integrity, and honor," wrote Benjamin Franklin, are not to be measured by the sphere assigned them to act in, but by the trials they undergo, and the vouchers they furnish; and, if so manifested, need neither robes nor titles to set them off."**

**The Colonial Society of Massachusetts.**

**Boston, the seventeenth day of  
April, nineteen hundred and six.**

Ernest Lyman Kittapo

**President**

John W. Allen

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*The Colonial Society of Massachusetts.*

GEORGE LYMAN KITTREDGE

*President.*

Boston, the seventeenth day of  
April, nineteen hundred and six.

JOHN NOBLE

*Corresponding Secretary.*

Mr. ADAMS SHERMAN HILL gave some reminiscences of the late Mr. JAMES MILLS PEIRCE, speaking as follows:

My acquaintance with the late James Mills Peirce<sup>1</sup> began in 1849, our Freshman year at Harvard; but we were not often thrown together during college days. In our Freshman and Sophomore years, during which the class was divided for work into small sections alphabetically arranged, the H's had few opportunities of meeting the P's in the class-room. Peirce was, moreover, strong in mathematics, whereas I was so weak that on the admission examinations I had failed in arithmetic, and specifically in a question concerning the Greatest Common Denominator, a subject of which I am still ignorant. In our Junior and Senior years, when, under a

<sup>1</sup> Professor Peirce was born 1 May, 1834, in Cambridge, Massachusetts, where he died 21 March, 1906.

limited elective system, we were allowed to choose between the classics and mathematics, our paths diverged still more, his choice being, of course, mathematics, mine Latin and Greek.

I have no recollection of his belonging to any society of which I was a member except the Hasty Pudding Club, in which he occasionally appeared on the stage. Among the parts which he played (in 1852-53) were Bradshaw, in Grimshaw, Bragshaw, and Bradshaw; Mrs. Cox, in Box and Cox Married and Settled; Letitia Ogle, in Matrimonial Difficulties; Benjamin Blowhard, in Slasher and Crasher; Tinsel John and Mustache Strappado, in The Widow's Victim.

The impression that Peirce made on his classmates at this time is shown in a brief extract from the diary which one of them kept while in college (it is the only mention of Peirce in the book): "A singular character and understood by but few. He inherits much of Benny's mathematical genius and idiosyncrasies. His declamations were amusing by their originality of expression and gesticulation. I knew but little of him, and so with most of us." Peirce never, so far as I know, took part in any of the questionable acts of which some of us were guilty, — such as hazing Freshmen, stealing signs, or treating with disrespect the powers that were; nor did he, to my knowledge, sow wild oats in his college days.

In his studies Peirce was faithful, industrious, and successful. At graduation he stood ninth in a class of ninety, a rank which entitled him to membership in the Phi Beta Kappa. In 1853, he took his A.B. degree. In 1854, his twentieth year, he was appointed tutor in mathematics; and mathematics he continued to teach — as assistant professor, university professor, and Perkins professor successively — all his life, with the exception of the period from 1858 to 1860. During these years he was a student at the Harvard Divinity School, from which he was graduated in 1859.

Besides being for fifty years in the service of the College as a teacher of mathematics, he was secretary of the Academic Council from its establishment in 1872 till 1890. On the transference of the functions of the Council to the Administrative Board of the Graduate School in 1890, he was appointed dean of that school, an office in which he did so much excellent work from 1890 to 1895 that he has been called "almost the father of the Graduate School." During the next three years, as dean of the Faculty of Arts and

Sciences, he showed the same high qualities that had distinguished his service in other administrative positions.

From the beginning to the end of his academic career he frequently served as chairman of important committees; and he was an active member of the college faculty, which he lived to see increase from 13 members in 1854 to 151 in 1906. During the same period he saw the number of students in the college rise from 340 (with three "resident graduates" who paid the college five dollars a year and had the use of the library) to 1899, with 504 in the Scientific School and 394 in the Graduate School.

Peirce was in the front rank of those who favored the radical changes that helped to make the college a university. From first to last, he was a strenuous advocate of the "new education." He assisted, for example, in the gradual development of the elective system in every direction (including attendance at morning prayers), in the elimination of Greek as a requirement for admission, and in every step toward the reduction of the college course from four years to three. In the introduction of the system of teaching by lectures instead of by recitations, he and his department took a leading part; and his very last act as member of the faculty was to introduce a motion looking towards a reform in the existing system of grading that should make the regulations for the assignment of work less rigid, and therefore better adapted to individual talent, — a motion that has not yet been acted on.

In the department of mathematics he was, as all the world knows, a predominant influence. Being neither a narrow specialist nor a delver in fields remote from practical life, he devoted to teaching rather than to research a knowledge that was wide as well as deep. As he used neither text-book nor notes in the class-room, his lectures were always fresh and spontaneous. Out of lecture hours as well as in them he helped his pupils in many ways, and especially by showing a warm sympathy with them in their ambitions and struggles which enabled him to retain their affection to the end of his life, and thus to keep himself young.

Though he passed through the Harvard Divinity School, he was never settled as a minister, and he preached but few sermons. Some of these are still remembered with enthusiasm by those who heard them. One was on a characteristic subject, *The Religion of Gladness*. Whatever his reason for leaving the ministry, it could

not have been lack of faith; for he was throughout his life a deeply religious man, but not a sectarian or a bigot. In politics, too, though he was always a Democrat, he was a Democrat of the liberal school.

Peirce owed something to each of his parents. From his father, who had greater genius in the higher mathematics than he but less talent for teaching, he inherited his love of science and the fervor of nature which sometimes expressed itself very strongly, and occasionally — as those who disagreed with him thought — too strongly for the occasion. From his mother came his love of the arts, and especially of literature, music, and the stage. He was a student of Shakspeare, and was fond of poetry, which he read aloud with appreciation, intelligence, and feeling. He attended all the symphony concerts in Boston, and was intimate with the late Professor John K. Paine, John Fiske, and other devotees of music in Cambridge. He often went to the theatre, especially when the play was a classic; and he frequently spent his vacations in travelling either at home or abroad. Wherever he went, his friendly manner, his uniform courtesy, and his ready interest in all that was going on made him welcome. He enjoyed female society, and counted among his closest friends a number of superior women in Cambridge and Boston. Whatever he did, he did with his whole heart.

In the extract from the diary which I have read, Peirce's lack of intimacy with his classmates is noted. Throughout his life he was reserved. One whom he met for the first time at a musical party called him "a great smiling silence," a phrase which fitted him so closely that it was long kept alive by some of his intimate friends. Though he never married, he had strong domestic tastes, which he manifested by giving, with unexampled generosity, his affection, time, and money to his family in three generations, — to his parents and aunts, to his brothers and sisters, and to their children. For this forgetfulness of self in his devotion to others, he reaped his reward in the affection felt for him by every member of his family, as well as by many other persons whom he befriended.

During his later years he suffered at frequent intervals from severe attacks of bronchitis, which occasionally interrupted his college duties, but never for long. Few teachers in good health have been more steadily at their posts than he.

Professor Peirce was, as everybody who met him must have ob-

served, an attractive and a picturesque personality, a man who will be missed by many who knew him by sight only. By his friends he will be remembered as one who combined robustness of intellect and intensity of conviction with sweetness of disposition and passionate affection, as one whose devotion to his chosen subject did not lessen his interest in other and very different things, and as one who lived up to his ideals in private as well as in academic and public life.

Dr. JAMES B. AYER exhibited a preliminary color sketch for the purpose of study of the penal and charitable buildings in Boston in 1722, based on Bonner's plan, and spoke at some length on this subject. In the course of his remarks, which elicited much comment, Dr. Ayer quoted the following curious advertisement from a Boston newspaper published in 1731:

There is to be Sold very reasonably, a private House of Correction suitably furnish'd with Stocks and Whipping-Post, with other engines of Justice, lying and being in Summer-Street, Boston.<sup>1</sup>

Mr. JOHN NOBLE made the following communication on William Leddra:

In preparing for publication the third volume of the Records of the Court of Assistants, several matters of interest relating to William Leddra, the last Quaker sentenced to death and executed in Massachusetts, have been found. Apparently his first appearance in the records of Court was in Essex County, where "two strangers William Brend & William Lederay professed quakers," present at "a disorderly meeting of certeyne suspected persons at the house of Nicholas Phelps of Salem, on the last Lords day in tyme of publique worship," escaped but were afterwards apprehended and "sent to the house of correction according to Law."<sup>2</sup>

Leddra next turns up in Plymouth Colony in October, 1659, when he and Peter Peirson, after having "bine prisoners att Plymouth for some time," on being brought before the Court and

<sup>1</sup> New-England Weekly Journal, 8 March, 1731, p. 2/2.

<sup>2</sup> County Court Record, Salem, June, 1658, pp. 19, 51.

offered the usual conditions of release, "if they would engage according to the law, to depart, and to come into this Collonie noe more, and pay their fees to the jayler," they declined to accept them, and "were returned to the place whence they came."<sup>1</sup>

December, 1659. Att this Court, William Ledra and Peter Peirson, two of those called Quakers, whoe were some time since comitted to prison att Plymouth according to law, as being foraigne Quakers, apeered and were demaunded seuerally whether they would depart the gou'ment in some competent time, viz. two or three dayes, incase wheather and strength were suitable, and that noe vnexpected prouidence in the afore-said respects did not or should not fall in the way in the interim, and whether it was theire present intensions, without any sinestery reseruation, directly to depart the gou'ment, with intension (the Lord willing) not to returne into the gou'ment any more; they answered they could not engage to any certaine time to depart the gou'ment; vpon which theire answere they were againe returned to prison, and order was giuen to M<sup>r</sup> Southworth and M<sup>r</sup> Bradford, that if vpon beter consideration they should or would accept of the conditions of the aforesaid tender of the Court, they are to release them.<sup>2</sup>

In March, 1659-60, the prisoners appeared again and the same tender was repeated, —

to which the said Ledra answered that theire imprisonment was vnjust and illegall; on which the Court made it manifest that theire imprisonment was according to law, both of England and this gou'ment; and as concerning departing the gou'ment, according to the proposition aboue mencioned, hee, the said William Ledra, refused to engage to any certaine time to depart, onely saying, "Its like if I were att libertie out of prison I might depart in the will of God ere long;" to which was replied in the Scripture phraise by the Court, that if hee would now resolute (the Lord willing) to depart by such a time, hee might haue his libertie; which hee, the said Ledra, refused, saying hee would not engage to any certaine time.<sup>3</sup>

Peter Peirson made a similar answer and both were returned to prison, but it was arranged that if it should be revealed to either of them that he might depart "hee should send word to the magis-

<sup>1</sup> Plymouth Colony Records, iii. 176.

<sup>2</sup> *Ibid.* iii. 178.

<sup>3</sup> *Ibid.* iii. 184.

trates, and hee may haue his libertie." The following is entered in the margin of the record: "On the seauenteenth day of Aprill, 1660, the said William Ledra and Peter Peirson, engageing to depart as is heer expressed, were released out of prison and departed."

In the Massachusetts Archives at the State House is the following warrant for the arrest of William Leddra. It is dated 30 April, but the year is not given. If the year was 1660 it would seem that Leddra after his release from Plymouth Prison, 17 April, 1660, went to Salem in the Massachusetts Colony.

To the Constable of Salem or his Deputy.

You are hereby Required to take the body of William Leddra, & convey him safely to Boston, there to Appeare before y<sup>e</sup> Deputy Gouvernour, to be further proceeded withall according to Law.

Last: 2<sup>mo</sup>:

W<sup>m</sup> HATHORNE.

[Endorsed]

W<sup>m</sup> Hawthorns Warrant ag<sup>t</sup>. Lydra y<sup>e</sup> Quaker.<sup>1</sup>

Palfrey gives an account of subsequent events. Leddra was — committed to the House of Correction at Boston. There he refused to work for his food, and, having been repeatedly scourged, was at last dismissed, with the threat of death if he should return. He returned, and was put in prison. On his trial the offer of liberation was made to him, if he would engage to go to England; but he rejected it, saying that he had no business there. He was condemned and executed. "All that will be Christ's disciples," he said at the foot of the ladder, "must take up the cross." The last words heard from his lips were those of the martyr Stephen, "Lord Jesus, receive my spirit."<sup>2</sup>

While in prison at Plymouth he sent forth the following letter to the rulers and people of New England.

I w<sup>th</sup>: many others of my Brethren: haue been often accused by many of y<sup>e</sup> Rulers: & others of y<sup>e</sup> People: of New England to haue Walked Contrary to y<sup>e</sup> Example & practic: of y<sup>e</sup> servants of God: declared of in Scripture: charging vs y<sup>t</sup> we Come into places: where

<sup>1</sup> Massachusetts Archives, x. 265. The endorsement is in the handwriting of Edward Rawson, Secretary of the Court of Assistants.

<sup>2</sup> History of New England, ii. 480.



there are laws & Decrees made ag<sup>t</sup>: vs: & where we know we shall be persecuted: w<sup>ch</sup>: thinge. yo<sup>r</sup>: haue often: declaired (in my hearing) y<sup>e</sup> serv<sup>ts</sup>: of x<sup>t</sup>. did not doe: but when they were persecuted: in one City: did flee into another: y<sup>t</sup> y<sup>e</sup> serv<sup>ts</sup>. of x<sup>t</sup>. often did flee from one place to another: from y<sup>e</sup> rage of their: enemies: is true: & at other times they did not goe: but were expelled: out of their Coasts: but for yo<sup>r</sup>: to say they returned not againe: is vtterly falce: & also yo<sup>r</sup>: saying: they went not where they knew they should be p<sup>r</sup>secuted: in y<sup>t</sup> yo<sup>r</sup>:

greatly Err: for y<sup>e</sup> holy Ghost: by w<sup>ch</sup>: they knew all things: & w<sup>ch</sup>: brought all things to their Remembrance: accordinge to y<sup>e</sup> p<sup>r</sup>mise of x<sup>t</sup>: witnessed to Paul: y<sup>t</sup> in every: City: bonds & Afflictions abide him: but none of these things moved him: w<sup>ch</sup>: witness is true: & was & is y<sup>e</sup> guide & leader: into all truth: & many times Paul: w<sup>th</sup> Peter: John & others: wente often to Such places where before they had been: Despitely vsed: p<sup>r</sup>secuted & afflicted: & would any speake so often to y<sup>e</sup> Contrary: but such as neither knowes y<sup>e</sup> power of God: nor y<sup>e</sup> scriptures: & to charge vs as Yo<sup>r</sup>: haue d[one] when we came againe: amongst yo<sup>r</sup>: as if we did acte contrary to y<sup>t</sup> saying: of x<sup>t</sup>: when yo<sup>r</sup>: are p<sup>r</sup>secuted in one City: flee unto another: did he Ever say they must not returne againe: Did not [Paul] say let vs: goe againe: & visitt our Brethren: in Every City: where we haue preached y<sup>e</sup> word of y<sup>e</sup> lord: & se how they doe: & such as reads y<sup>e</sup> Acts: may heare: how we had been p<sup>r</sup>secuted: & if there be any who [ ]ly haue been led aside: by this falce & abominable thinge: Soe Comonly reported: in New Engl: (as to Joyne w<sup>th</sup>: those: who haue invented it to Cover their Cruelty:) Either to speake evill of y<sup>e</sup> way of God: or to persecute his people: w<sup>th</sup>. out searchinge y<sup>e</sup> scriptures: to se whether it were So: for their Sakes & all others who desires to be informed (y<sup>t</sup> they may no longer walke w<sup>th</sup> Slaunders & w<sup>th</sup>: a Lye in their hand) I shall Clear it from y<sup>e</sup> Scriptures in y<sup>e</sup> behalfe of y<sup>e</sup> Truth: though for my Selfe I doe unfainedly Say: I can w<sup>th</sup>: patience beare: w<sup>t</sup>: they have done to me to this very houre: & do desire y<sup>t</sup> y<sup>e</sup> lord would not lay it to their charge: For Surely if they knew w<sup>t</sup>: they did: they would not doe as they haue done in this thing: Bely y<sup>e</sup> Ministry of x<sup>t</sup>. & lay waste y<sup>e</sup> Scriptures: as y<sup>e</sup> sobber Reader: shall heareafter fynd they haue done: But there is a Generation: y<sup>t</sup> are soe leavened: w<sup>th</sup>: malice: & wickedness y<sup>t</sup> though y<sup>e</sup> truth be declaired never soe plaine: yet will not believe it: but are ready to stopp their Eares: like y<sup>e</sup> blind p<sup>r</sup>secutors of old: (& if they doe take up Stones to Stone y<sup>e</sup> publishers of it:) yet still continues their p<sup>r</sup>secution: & Soe become like y<sup>e</sup> deafe adder: w<sup>ch</sup>. will not heare y<sup>e</sup> voice of y<sup>e</sup> Charmer: charmeinge never soe wisely & Such allwayes resisted y<sup>e</sup> holy ghost: & will

neither enter y<sup>m</sup>: selves: nor Suffer y<sup>m</sup>: y<sup>t</sup> would: but as any Comes preaching y<sup>e</sup> kingdome of God: w<sup>ch</sup>. is likened to y<sup>e</sup> least of all seeds: (but y<sup>e</sup> p<sup>r</sup>secuting: spiritt: canot vnderstand this parrable: neither is it given y<sup>m</sup>. to know y<sup>e</sup> Misterys of Gods kingdome:) they p<sup>r</sup>secute those y<sup>t</sup> preach it: as their forefathers did: acts: 4: 1: 3: And as they Spake vnto y<sup>e</sup> people: y<sup>e</sup> priests & y<sup>e</sup> Captaine of y<sup>e</sup> Temple: Came upon y<sup>m</sup>: & laid hands on y<sup>m</sup>: & put y<sup>m</sup>. in hold till y<sup>e</sup> next day: ver: 18: & they called y<sup>m</sup>: & Comānded y<sup>m</sup>: not to Speake at all: nor teach [in the] name of Jesus: But Peter & John answered & said vnto y<sup>m</sup> whether it be right in y<sup>e</sup> Sight of God: to hearken vnto yo<sup>r</sup>: more then vnto God: Judge yee: for we canot but speake y<sup>e</sup> things w<sup>ch</sup>. we have See[n] & heard: & when they had further threaghtened y<sup>m</sup>: they let y<sup>m</sup>. goe: aff. this Peter & John: went vnto their owne Company: & they lifted vp their voices to God w<sup>th</sup>. one accord sayinge: ver: 29: & now Lor[d] Behold their threatenings: & grant vnto thy Serv<sup>ts</sup>: y<sup>t</sup> w<sup>th</sup>: all boldness: they may speake thy word: Acts: 5: 17: then y<sup>e</sup> high priest rose vp: & all they y<sup>t</sup> were w<sup>th</sup>: him: (w<sup>ch</sup>: is y<sup>e</sup> Sect of y<sup>e</sup> Saduces:) & were fylled w<sup>th</sup>: Indignation: & laid their hands on y<sup>e</sup> Apostles: & Put y<sup>m</sup>. in y<sup>e</sup> Comon Prison: ver: 28: & when they were brought before y<sup>m</sup>: they asked y<sup>m</sup>. saying: did not we st[il] lightly Comāund yo<sup>r</sup>: y<sup>t</sup> yo<sup>r</sup>: should not teach in this name. & behold yo<sup>r</sup>: have fylled Jerusalem: w<sup>th</sup>. yo<sup>r</sup>: Doctrine: then Peter & y<sup>e</sup> other Apostles: answered. we ought to obey God rather than men: ver: 40: 41: 42: & when they had: beaten: y<sup>m</sup>: they Comaunded y<sup>m</sup>: y<sup>t</sup> they should not speake in y<sup>e</sup> Name of Jesus: & let y<sup>m</sup>: goe, & they departed from y<sup>e</sup> p<sup>r</sup>sence of y<sup>e</sup> Councell: Rejoicinge y<sup>t</sup> they were Counted worthy to suffer for his name (they did not flee y<sup>e</sup> City) but dayly in y<sup>e</sup> temple & in every house: they Seased not to teach & preach: Jesus x<sup>t</sup>: chap: 6: in those dayes y<sup>e</sup> number of Disciples: was multiplied: & y<sup>e</sup> word of God increased & p<sup>r</sup>secution: also increased: for when they had disputeing: w<sup>th</sup> Steven A man full of y<sup>e</sup> holy Ghost: they were not able to resiste: y<sup>e</sup> wisdom & Spiritt: by w<sup>ch</sup>: he Spake: then they Suborned: w<sup>ch</sup>: Said We haue heard him Speake: blasphemous Words ag<sup>t</sup>: Moses & ag<sup>t</sup>: God: chap: 8: at y<sup>t</sup>. time. there was great p<sup>r</sup>secution: ag<sup>t</sup>: y<sup>e</sup> Church w<sup>ch</sup>: was at Jerusalem: & they were all Scatered abroad throughout y<sup>e</sup> Regions of Judea: & Samaria: Except y<sup>e</sup> Apostles: mark: y<sup>e</sup> Apostles: were not yet fled: as for Saul he made havocke of y<sup>e</sup> Church: Entringe into Every house & hailing men & women comitted y<sup>m</sup>. to prison: & therefore they [that] were Scatered abroad: went every where preachinge y<sup>e</sup> Word: ver: 14: & when y<sup>e</sup> Apostles: w<sup>ch</sup>. were at Jerusalem: heard y<sup>t</sup> Samaria: had recd: y<sup>e</sup> word of God: they sent: vnto y<sup>m</sup>. Peter & John: & when they had Testified & preached y<sup>e</sup> Word of y<sup>e</sup> lord: returned to Jerusalem:

where there had been great p'secution: ag<sup>t</sup>: y<sup>e</sup> Church: & can yo<sup>r</sup>: read these Scriptures: & yet say y<sup>t</sup> y<sup>e</sup> Serv<sup>ts</sup>: of x<sup>t</sup>: after they were p'se[cuted] in any place. returned not thither againe: chap: [9:] & Paul after he was Converted: taryed Certaine Dayes w<sup>th</sup>: y<sup>e</sup> disciples: w<sup>ch</sup> were at Damascus: & straightway he preached x<sup>t</sup>. in y<sup>e</sup> [Sinagogue?] y<sup>t</sup> he is y<sup>e</sup> Sone of God: & Confounded y<sup>e</sup> Jewes w<sup>ch</sup>. dwelt at Damascus: provinge y<sup>t</sup> this is y<sup>e</sup> very Christ: & after y<sup>t</sup> many dayes were full-filled: y<sup>e</sup> Jewes tooke Councell to kill him: but their layinge [in wait?] was knowne: then y<sup>e</sup> Disciples tooke him by night: & let him downe by y<sup>e</sup> Wall: in a Basket: & when Saul was come to Jerusalem: he asayed to Joyne him Selfe to y<sup>e</sup> Disciples: but they were all afraid of him: but Barnabas tooke him: & brought him to y<sup>e</sup> Apostles: & he was w<sup>th</sup>: y<sup>m</sup>: coming in & out at Jerusalem: & he spake boldly: in y<sup>e</sup> name of y<sup>e</sup> lord Jesus: & disputed ag<sup>t</sup>. y<sup>e</sup> gretians: but they went about to Slay him: w<sup>ch</sup>. when y<sup>e</sup> Brethren knew: they brought him to Sesaria: & it came to pass: as Peter passed throughout all Quarters: Acts: 11: 2: he came againe to Jerusalem: where he had been: Imprisoned [&] Beaten: & y<sup>e</sup> Church: had been greatly p'secuted: ver: 28: & when it was Signified. by y<sup>e</sup> Spiritt. y<sup>t</sup> there should be a dearth: throughout y<sup>e</sup> World: y<sup>e</sup> Disciples: every man according to his Abilitie: Determined to Send releife: vnto y<sup>e</sup> Brethren: w<sup>ch</sup>: dwelt in Judea: w<sup>ch</sup>: also they did & sente it by y<sup>e</sup> hands of Barnabas & Saul: chap: 12: 15: <sup>1</sup> & Barnabas: & Saul: returned from: Jerusalem (where before they Sought to Slay him) when they had fulfilled their Ministry (let y<sup>e</sup> hireling: Ministers mind this well:) y<sup>t</sup> when they had fulfilled their Ministry they departed: & y<sup>e</sup> p'secuto<sup>r</sup>: also may take notice: y<sup>t</sup> they wente away of their own accord: & after in acts: 13: 4: they being sent forth: by y<sup>e</sup> holy Ghost: departed & preaching y<sup>e</sup> Word of God: in divers places: they came to Antioch: & went into y<sup>e</sup> Sinagogue [on] y<sup>e</sup> Sabath: Day: & sat downe & after y<sup>e</sup> reading of y<sup>e</sup> law & y<sup>e</sup> prophets: y<sup>e</sup> Ruler of y<sup>e</sup> Sinagogue: Sent vnto y<sup>m</sup>: Saying: y<sup>e</sup> Men & Brethren: if yo<sup>r</sup>: have a Word of Exortation: to y<sup>e</sup> people Say on: & paul stood vp and said: Men of Israell give audience: So when he had declaired & preached x<sup>t</sup>. vnto y<sup>m</sup>: & y<sup>e</sup> Congregation was broken vp: many of y<sup>e</sup> Jewes & religious proselites followed Paul: & barnabas who Spea[k]ing. to y<sup>m</sup>: persawaded y<sup>m</sup>. to continue in y<sup>e</sup> grace of God: & y<sup>e</sup> next Sabath: came almost y<sup>e</sup> whole Citty togeather: to heare y<sup>e</sup> word of God: But when y<sup>e</sup> Jewes Saw y<sup>e</sup> Multitude: they were fylled w<sup>th</sup>: Envy & spake ag[ainst] those things w<sup>ch</sup>: were Spoken by Paul: contradicting: &

blaspheminge: ver: 50: & stired vp y<sup>e</sup> devoute & honnorable women: & y<sup>e</sup> Cheeffe men of y<sup>e</sup> Citty: & raised p<sup>r</sup>secution ag<sup>t</sup>: Paul & barnabas: & Expelled y<sup>m</sup>. out their Coasts: but they shooke of y<sup>e</sup> Dust of their feett ag<sup>t</sup>: y<sup>m</sup>: & came to Iconium: acts: 14: where many people be- leived: but w<sup>h</sup>: y<sup>e</sup> Citty was devided: & an Assault made to vse y<sup>m</sup>: Despitely: & to Stone y<sup>m</sup>. they we[re] aware of it: & fled vnto Listra: & Derbe: & y<sup>e</sup> regions roundabout: & there they preached y<sup>e</sup> Gospell: ver: 19: & there came theither Jewes from Antioch: & Iconium: Who p<sup>r</sup>swaded y<sup>e</sup> people: and having stoned Pa[ul] drew him out of y<sup>e</sup> Citty: Suposinge he had been dead: how be it as y<sup>e</sup> Des- ciples: Stood round aboute him: he rose vp & Came into y<sup>e</sup> Citty: & y<sup>e</sup> next day departed: w<sup>h</sup>: barnabas: to Derbe: & when they ha[d] preached y<sup>e</sup> Gospell to y<sup>e</sup> Citty they returned againe to Listra: where before he had been stoned: & to Iconium: from Whence they fled vnto Listra: & in returninge did not act Contrary to y<sup>e</sup> words of x<sup>i</sup>. where is said. if they p<sup>r</sup>secute yo<sup>r</sup>: in one Citty flee vnto another: But where Doth he Say. they must not returne againe: therefore in y<sup>e</sup> thing y<sup>e</sup> p<sup>r</sup>secuto<sup>r</sup>: in this generation: may hereafter be Silent: & returned also to antioch: where before they had raised p<sup>r</sup>secution ag<sup>t</sup>: y<sup>m</sup>: & Expelled ym: out of their Coasts: confirming: y<sup>e</sup> Soules of y<sup>e</sup> Desciples: & ex- horting y<sup>m</sup>. to continue: in y<sup>e</sup> faith: & y<sup>e</sup> we must through great tribu- lation Enter into y<sup>e</sup> kingdome of God: & not w<sup>h</sup>:standinge all y<sup>e</sup> Envy & rage of y<sup>e</sup> wicked: & all y<sup>e</sup> Cruell & vnreasonable vsage: of their enemies: they went divers times into y<sup>e</sup> Cittyes & places where they had been preaching y<sup>e</sup> word: to strengthen & Confirm y<sup>e</sup> Soules of those. they had begote through their Ministry: into y<sup>e</sup> like pretious faith: w<sup>h</sup>: y<sup>m</sup>: much more might be said to this thing. but this may satisfie all reasonable people: Seing their accusation: is thus farr clearely proved: to be falce: By y<sup>e</sup> Scriptu<sup>r</sup>: of Truth: & y<sup>e</sup> Scriptur: fulfilled vpon y<sup>m</sup>: y<sup>e</sup> wicked shall be Silente in Darkness:—

The Lip of Truth: shall be Established for Ever:

But a Lying Tongue is but for a Moment: Pro: 12: 19:

W<sup>m</sup>: LEDDRA

From y<sup>e</sup> Prison: Plymouth: this: 19: of y<sup>e</sup> 5<sup>mo</sup>: 59: ”

A letter signed by Christopher Holder of not unlike tenor, en- titled A Warning From The Spirit of y<sup>e</sup> Lord To y<sup>e</sup> Gouverno<sup>r</sup> & Magistrates: & People of the Masachusetts Bay, and dated Rhode Islande the 1<sup>st</sup> of y<sup>e</sup> 7<sup>th</sup> mo<sup>th</sup>: 59, has been already printed in the Transactions of this Society.<sup>1</sup> The original, once in the files of

<sup>1</sup> Publications, viii. 72-74.

the Court, has been found in the Chamberlain Collection in the Boston Public Library.

Among the Suffolk Court Files is the following letter or petition by Christopher Holder to the Governor and Magistrates, dated at the Prison in Boston, 24 October, 1659. It is numbered 162034<sup>b</sup>. Some words missing in the original, which is fragmentary and much worn by age, are here supplied conjecturally within brackets.

[To the] Govern<sup>r</sup>: [Deputy Govern<sup>r</sup>. and Magistrates] in place To doe Justice: I ha[ve here stated the] ground & cause as farr as I know [the] Will of God here in: Wherefore I ca[me into Massa]ch[setts Bay th]is time: for A longe time: it hath [been a] Prophecie: in me: y<sup>t</sup> when I was Cleare to passe to England [I should go]e To Boston: To seeke fo<sup>r</sup>: a passage: & S[ee] whether I might be Sufered: To passe to my Native [land] soe heareinge: y<sup>t</sup> theare was a Shipp: near[ely Rea]dy for to Set Saile for England: it was revealed to me: By y<sup>e</sup>. Spirte of y<sup>e</sup>. lord God: y<sup>t</sup>. now y<sup>e</sup>. time was come y<sup>t</sup>. [I must] goe to Boston To Seeke for a passage: Soe as way was made: I set forth from: Rhode Islande: & Came To this Towne: & afte<sup>r</sup>: y<sup>t</sup>. I had Set vp my horse: [y<sup>n</sup> I hye]de On: I inquired fo<sup>r</sup>. y<sup>e</sup>. Master of y<sup>e</sup> Vessell y<sup>t</sup> was Bound fo<sup>r</sup>. England: & heareing where he [was] I came to him & asked him fo<sup>r</sup>. a passage: & after some words had passed betwixt vs: he s<sup>d</sup>. he would Carry me If he might be Sufered: But Imediately I was apprehended: By a Constable: & Brought befo<sup>r</sup>. y<sup>e</sup> Governo<sup>r</sup>: vnto whom I declaired y<sup>e</sup>. End of my Cominge: Who Tould me he would not Beleive: a word y<sup>t</sup>. I said: & after some other words: Comited me to Prison: By y<sup>e</sup>. w<sup>ch</sup>. meanes I Remaine in Yo<sup>r</sup>. Jurisdiction: Otherwise its like I might haue been: By this time: .Neare y<sup>e</sup> Coaste: of Old England: & now I heare: y<sup>t</sup> there is a Shipp providing fo<sup>r</sup>. To Goe To Ould England: w<sup>ch</sup> it is like may be ready: w<sup>th</sup>. in 3: or 4: weeks time: & now the same Remaines w<sup>th</sup> Me: as it did when I came: y<sup>t</sup> If I may be sufered: To goe: from hence: a Board of y<sup>e</sup>. vessell: & Soe to be Transported to Ould England: & now I shall appeall To all y<sup>t</sup>. feare y<sup>e</sup> Lord: whether: This y<sup>t</sup>. I seeke is not reasonable: & may be Granted: w<sup>th</sup>. out hurte To any man: & If I am deneyed This: whether I am not Amonge Such men: y<sup>t</sup>. Paul Exh[orted] y<sup>e</sup>. Church To pray fo<sup>r</sup>. him to be delivered [fr]om:

From a [Friend To friends of] y<sup>e</sup>

24<sup>th</sup>: of y<sup>e</sup>. 8<sup>th</sup>: mo<sup>th</sup>: 59:

Truth: Now a Prisoner: in y<sup>e</sup> Com[mon]  
Goale [in Boston]

by Name: CHRISTOPHER: HOLD[ER]

There are some circumstances giving rise to the supposition that all these letters were written by Leddra. For further accounts of Leddra a reference may be had to A Brief Narration of the Sufferings of the People called Quakers, by Daniel Gould, Rhode Island, 1700; New England Judged, by George Bishop, 1703; History of the Quakers, by William Sewel, second edition, 1725. Sewel gives a graphic story of Leddra's various sufferings and of his execution. His account of the trial is somewhat exaggerated and not wholly reliable.<sup>1</sup>

A letter written by Leddra to his friends, from the prison in Boston, 13 March, 1660-61, the day before his execution, is given in the three works named. It presents admirably the Christian spirit of the writer.

A copy of the record of the trial of Leddra in the Court of Assistants, taken from the lost volume of the records of that Court and certified probably about 1716 by Elisha Cooke, the Clerk of the Superiour Court of Judicature, its successor as the highest tribunal, is as follows :

At a Court of Assistants held at Boston 5<sup>th</sup> March, 1660.<sup>2</sup>

William Ledra notwithstanding his being banished this Jurisdiction on pain of Death by the Last Court of Assistants in September last, Returned into this Jurisdiction, was Committed to Prison in Order to his Tryal. The General Court in October last by their Order gave him with Nickolson & the Rest of the Quakers libertie to pass for England or else to go out of this Jurisdiction engaging not to Return, which he & they rejected and would not Accept of, Save the said Nicholson & his Wife<sup>3</sup>: being now brought to the Barr was Indicted by the Name of William Ledra, for not having the fear of God before his Eyes, notwithstanding your being Sentenced by the Last Court of Assistants held at Boston 4<sup>th</sup> of Septemb<sup>r</sup>. 1660 to Banishment on pain of Death, according to the Laws here established, have Returned into this Jurisdiction in a Rebellious and Seditious Manner contrary to the wholesome Laws of this Country, made for the Preservation of the Peace & welfare of

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<sup>1</sup> An interesting account of Christopher Holder and his connection with the persecution of the Quakers in Massachusetts is to be found in the published proceedings at the Dedication of the Holder Memorial Building of the Clinton Historical Society, 20 September, 1905, pp. 5 *et seq.*, 58 *et seq.*

<sup>2</sup> 1660-61.

<sup>3</sup> See Massachusetts Colony Records, iv. i. 433.

the same: And in Open Court, on the Reading the Last Court of Assistants Judg[ment?] against him he acknowledged in open Court that he was [the?] Person in said Judgment so banished. In answer to what [he?] sayd he was tendered in open Court if he could produce a [law?] of England Repugnant to our Law here against Quakers[,] [he?] should be heard, he sayd in open Court, he owed no Subjectio[n to the] wicked Laws of this Jurisdiction, sayd he [w?]ould not owne [this?] Governour to be his Judge and sayd I have Spoken the truth [ ] you can, on the Governours Question to him why he Intruded [ ] on Us against our Conscience, he Answered you know not w[hat?] belongs to Conscience & sayd I Shall not hear the Word [of God?] among You and I shall Still owne these you put to death [ ] Quakers to be the Servants of God & sayd with that Spirit [which thou?] callest the Divell do Wee worship God. your Magistrates Do [not?] I owne them no more Subjection than Daniell to Nebuchadnazar, [he?] sayd he knew no hurt in Speaking English then in Wearing Cloath[es] in a decent manner: and sayd I know your Ministers are deluders & yourselves Murderers and If ever I turn to Such Murderers as you are let all this Company Say I have turned from the God, which is the Salvation of his People & this I will seale with my blood. It was told him he might have his life & be at libertie if he would, he Answered I am willing to dy for it, Saying he Spake the truth. It was sayd do you beleive the Scriptures to be Gods Word, how dare you then Revile Magistrates & Ministers, he sayd it is not Reviling to Speak the truth you are Such as I affirm you to be, was it not the Spirit of Christ breathed in Stephen when he told the People they were Murtherers, he was bid prove himself to be Such an one as Stephen, he sayd We must go where the Lord draws Us, When he was Spoken to to shew any Christian that would divulge his opinion without a call from God especially any New thing he Answered your Ministers say they Preach by Virtue of that Commission Go & teach all Nations he was Answered, where Called, there & then to Preach but not in Turkey where Prohibited.

The Indictment being again Read before the Prisoner at the barr, The Jury Considering the Courts Judgment the Prisoners confession brought in their Verdict they found him Guilty.

The Governour in the Name of the Court Pronounced Sentence agt him That Is You William Ledra are to goe from hence to the place from whence you came & from thence be carried to the place of Execution and there hang till you be dead.

A true Copy As Appears of Record.

Exam<sup>d</sup>. p ELISHA COOKE Cler:

[Endorsed]

W<sup>m</sup> Leddra his Sentance a true Coppy.

Excepting this single record, so copied and certified, no record or official copy of record of proceedings in the Court of Assistants against the Quakers at that period has been found or is known to be in existence. Aside from its unique character, it has many points of historical and judicial interest.<sup>1</sup>

On behalf of Mr. WORTHINGTON C. FORD, a Corresponding Member, Mr. ALBERT MATTHEWS communicated by title a Bibliography of the Laws of the Massachusetts Bay from 1641 to 1776.<sup>2</sup>

Again on behalf of Mr. FORD, Mr. MATTHEWS communicated two documents<sup>3</sup> relating to the proposed incorporation of Boston in or about 1714. These follow.

I

# A DIALOGUE

Between a *Boston* Man and a *Country* Man.

*Boston.* **W**E are like to be involved under great difficulties and bondage by the Projecting Gentlemen of this Town.

1. The Charge of Incorporating this Town will be very Great, in Translating of it into a City, a Town, Prison and Keeper, a Bridewell, and keeper of Two Great Silver Mases, to be carryed before the Mayor, and two Men to carry them; and a Sword Bearer; a Clerk of the Court; a Clerk of the Market; a Recorder; a Chamberlain; and our Paying for our Freedom, that was Free-born and in bondage to no Man.

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<sup>1</sup> For the groundwork and most of the material of this paper, I am indebted to the exhaustive researches of Mr. William P. Upham, my late coadjutor in the exploration of original sources, documents, and records.

<sup>2</sup> This Bibliography will be printed in volume iv. of our Publications.

<sup>3</sup> These documents were found by Mr. Ford in a file of the Boston News-Letter owned by the Boston Athenæum. They were bound between Nos. 565 and 566, the issues of 14 and 21 February, 1714-15, respectively. The printed portion of the first document measures  $10\frac{3}{4}$  by 6 inches, while the printed portion of the second document measures 11 by  $6\frac{1}{8}$  inches. Each of the documents is a folio sheet, printed on both sides.



2. That which is worst than all, is to the Trading part which is put under a possibility of being reduced to manage but one Trade, which will be great Confusion, if not Unsupportable in its difficulties, *viz.* The Shop-keepers which do many of them occupy more than Twelve Trades; and the Handy-crafts-men as many as their Genus and Stock do lead them to, without Interruption.

3. The Laying us under difficulties with respect to our Provision, in that it must be brought into the Market, and there Pay dues and duties, and observe our Customs; which we believe they will not so long as *Charlestown* and *Roxbury* do stand.

4. The taking away the Ancient Rights, and undoubted Property of our Voting at Town Meetings, which we now enjoy.

*Country-man.* 1. **I** Have heard something of this before: and it was refented to me to be for the Honour and Benefit of the Town, which I should be glad of, *viz.* The Mayor and Aldermen must be Men of considerable Substance in the World, which will be for the Honour of your Town: at the least they must be worth a 1000*l.*

2. They will be able by this to Regulate your Town better than now it is, and to take Notice who comes into the Town; and to Let in or Keep out who they please: for they hinder by your Charter all that will not Pay 5*l.* for their Freedom to the Mayor; and be also able to detect Vice, and to hinder such Outrages as have broke out of late.

3. I should be willing to hope that they will not lay you under those difficulties with respect to the Trading Part of the Town, altho' I confess it is in their Power to Reduce each Man in the Town to Occupy but one Trade.

4. What if you lose your Priviledge of Voting, as long as you have Men in of Good Estates, and undoubted Fidelity, for they take off the trouble from you.

5. By this you reflect upon those Gentlemen that Composed your Charter.

*Boston Answer.* **I** Alwayes observed, That when any Great Project was in hand by a Designing and Projecting People, it was covered over with some plausible Story: If you look back no further than Dr. *Sacheverell's* days, That the Church was in danger under the present Ministry, when in reality it was France was in danger, and the Pretender was in danger: but Experience hath taught us, That the Church hath really been in danger ever since that Ministry was turned out, until His Majesty King GEORGE came to the Crown.

*Boston.* 1. I shall answer your Objections and leave it to your consideration.

2. Object. *You say they will be better able to Regulate your Town.*

*I answer:* I do not like the Rule of Regulating of it, nor the Qualifications of Mayor & Aldermen; for a Man may be worth a 1000 *l.* and yet have neither Grace nor good Manners, but be a Covetous Man, that may be like a Wolfe among Sheep: An honest Man may not come into the Town without buying his Freedom, and if one never so vile may force his Freedom upon his Tender of 5 *l.* to the Mayor: So now I think we have a much better way already, for a Man to give to the Town Security.

*Sir,* I think you are mistaken about that, this would hinder such Outrages that hath broken out of late, except it should give a Power of Deviation whereby they should Divine or Tell who they are; for when we know who they are we have Power enough to detect them already.

3. You say, You are willing to hope that by your being Incorporated, they will not lay the Trading part of the Town under such difficulties, altho' they have Power enough in their hands.

*Sir,* You mistake again, there is no grounds for you or us to hope so, except you believe that Rich Covetous Mayors will not love Money, nor honest Mayors be bounded by the Oath of God, nor Town-Serjeants willing to Serve Warrants, nor Counsellors willing to plead Cases. Furthermore, I can assure you, That a Hatter in this Town which understands the Nature of a Corporation, I believe, better than those Projecting Gentlemen, did declare in my hearing, That if this Place was Incorporated, they should have a good Trade (for from that day no Shop-keeper might Sell a Hat :) and further added, That there was some Shop-keepers did Sell more Hats than they, which was of the Trade.

4. You say, What if you do lose your Power of Voting at Town Meetings, as long as you have Men in of Good Estates and undoubted Fidelity, to take off the trouble from you.

*Answer.* Its hard to find them amongst us: but the common Maxim is, *If you would have your work well done do it your self.* I observe in that great and last Speech of King WILLIAM, of Blessed Memory, to His Parliament, He Exhorts them to hold the Ballance of *Europe* in their hands: therefore I conclude, we ought to be careful how we let go the Ballance out of our hands.

5. You say, By this you reflect upon those Gentlemen, even Thirty that Consulted and Composd this Charter.

*I answer,* Its true, and if Men will fish in such dirty Waters, and bring or endeavour to bring on their Neighbours such Calamities, they ought not to think or take it hard to have dirt thrown in their Faces,

for I see no ground to believe that they were free from Proud Spirits, and a desire from their Places to receive Greetings in the Market Places, and Covetous, if not of finding the Philosophers Stone; yet to have a fellow-feeling of every bodies Pocket in the whole Town, and of being like to the Great Fish, of being lords over the Small, to make them to observe their Motions, and also in part to live upon them.

*Country Man.* I thank you for giving me such light with respect to the Bondage and Difficulties that as you say you are like to be brought under: I am of your Mind, and I would offer you some Advice, which if followed, by the blessing of God may prove effectual.

1. Be careful to bring up your North Nagatives.
2. Be sure that you choose a good Moderator.
3. That for the future there shall be no Publick Business brought into a Town-Meeting, except such & such Things as your Town shall think meet, or Warned for before, and having Voted, then your Town Clerk to Record it, which if you do, I doubt not but it will be for your good, and so you may hold the Ballance with those Projecting Gentlemen.

*Boston.* I thank you for your good Advice; and do believe that its our concern to Observe it; seeing we have so Noble a Hero to follow as KING GEORGE, which assured His Council, *That there is not One among them shall more Earnestly endeavour the Preservation of Property than My Self.*

PRINTED FOR A PUBLICK GOOD. 1714.

## II

# My son, fear thou the Lord,

and the King: and meddle not with them that are given to change, *Proverbs Chap. 24. Verse 21.*

**F**Orasmuch as there are many Persons who seem very fond of having the Town of *Boston* Incorporated, and tell of many Advantages 'twould be to the Inhabitants; and because the great Annual Meeting of the Town is now at hand, and that it is greatly to be feared those Persons out of a pretended zeal to do the Town Service, will be busy and active to bring the Town, at their approaching Meeting into the same Sentiments they themselves pretend to have, and into the so long in vain, spread Net: Its thought it might be of some use to the Town, at this time, to lay before them some of the great Priviledges they now enjoy, and which if once given up for a

Charter, could not be Purchased again for the Wealth of the whole Town: And also to represent to them the Views and Ends of some of those Persons who are so Urgent and Pressing with them to Petition for a Charter, and to have them Incorporated.

A People can hardly be guilty of a greater folly than to change a Government under which, not only they, but their Fathers also, for a long time have Lived, Flourished and Prospered; it having been ever looked on as a very hazardous, perillous and dangerous thing for a People so to do. *Israel* of Old got but little by changing their Government and their King, the King of Heaven, for King *Saul*. The Inhabitants of this Province think they got but little by the Change made in their Government about Twenty-five years ago. And indeed 'tis not to be hoped that, if *Boston* should Change, it would be for the better; but very much to be feared, 'twould be for the worse. *Boston* has now been Settled for near an Hundred years, and has from its Infant State, till now, been Governed by the same Methods it is at this day. Our Forefathers, the first Founders of this Town, esteemed by all that ever heard of them, to be Judicious, Understanding Men; chose and preferred this sort of Town Government, under which we now live, & under which they lived all their time, to all others whatsoever: And many of them lived to see this spot of Ground, from a Wilderネス and Desert place, as it was, to become in their day, a Town Considerable for Trade, Riches and Number of Inhabitants; thro' the Good Government of it; And their Descendants and those who have come after them may indeed, justly, now behold it as the most considerable Town; for the time it has stood, on the whole Earth. What an Instance then of Folly and Levity in a People must it needs appear, to all considering Persons, for them to Change a Government under which they have thus prospered, for One which may be their utter Ruin, Confusion & Undoing; by driving out the Trade of the Town, to its Neighbouring Towns, & so make them Rich & Happy, and this Poor, and Miserable.

*Boston* does not owe its present Grandeur, in some Mens Opinions, more to its excellent Harbour, and good Air, than it does to its excellent good Government, the Ease and Security of which has from time to time invited great Numbers to come and Settle in it: a Government the least burthensome to the Inhabitants, and expensive of their Time & Money, of any Government whatsoever, and affording more than any other to the Industry of those who live under it; permitting them to Exercise it about one, or more Callings, as they shall find most conducing to their own Welfare; and at no time calling them forth, or from their Affairs, to the loss of their Time & Money, as Corporations do, to attend on Needles, Childish, and troublesome Formalities.

The Inhabitants of *Boston* have a Legislative Power, that is a Power to make what Laws they think fit, for their own Government, with the consent of the Justices of the County in their Sessions; so as they be not repugnant to the Laws of the Province; and with Penalties to them, if they please: and what Sanction more could they give their Laws if they were a Corporation? Since the Penalty of a Law, is all the Sanction it can have.

And as to Jurisdiction, *Boston* has all the Advantages of it, without being at any of the Charges Corporations are at to Support their Magistrates: for *Boston* being the County Town, and that wherein all the County Courts are held, none of its Inhabitants need ever go out of it for Justice in greater Causes: And for lesser causes, the want of a Mayor or Town Magistrate, is abundantly supplied by the residing of Nine or Ten Justices of the County constantly within it; who are obliged to take Cognizance of all Transgressors of the Towns by Laws, as well as of Offences against the Laws of the Province: its hard to think that no one of all these Justices, nor all of them put together, tho' they are equally concerned with others in the Welfare of the Town, as being all of them Inhabitants of it, and having Considerable Estates in it, should not have so much Zeal to serve the Town as One Mayor or Bayliff.

But they who are for a Corporation, may make the following Objection, to what has been said, *Viz. If the being Incorporated brings Charges and Troubles only on a People, without Privileges and Advantages, how comes it to pass, that almost every Town in Great Britain has sought to be, and is a Corporation?* The Answers to this Objection will let the Inhabitants of the Town of *Boston* into the true Reasons which make some Persons among them so set upon bringing *Boston* into a Corporation.

1. Then the Inhabitants of a Town in *Great Britain*, before they are Incorporated, have no Power at all to make any Orders, or By-Laws for their own Rule or Government, but are altogether Dependent on, and Governed by the General Laws of the Kingdom; and therefore are under a sort of necessity to seek for a Charter, and of being Incorporated, that so they may have a Power to make By-Laws or Orders referring to some particular Affairs among themselves, which the General Laws of the Land don't take notice of, or sufficiently provide for. But *Boston* has already the Power of making By-Laws as we have here before shewn, and therefore needs not a Charter on this Account.

2. In every County in *Great Britain*, there is, for the most part, a great Number of Great Towns, and consequently every one of them cannot have the advantages of being a County Town, and of having the County Courts kept in it, as *Boston* has, so that the Inhabitants of those Places, which are not County Towns, are necessitated, for Law and

Justice, to go far from their own homes to the County or Shire Town, to their great expence both of Time and Money, to avoid those Inconveniences, they get themselves Incorporated, that they may have Courts of Justice among themselves.

8. But lest the two preceeding Answers should not suffice, it may not be amiss here to subjoin a Third, which take as follows, *Great Britain* hath and doth abound with Gentlemen, who tho' they dont, it may be, believe, *Dominion is founded in Grace*, yet, as a great many others, in other parts of the World verily believe, so do they, *That its founded in Money*; which by the way, is the true reason, why oftentimes we see them so much more Solicitous to become Rich Men, than they are to become Good Men. Another sort of Men *Great Britain* hath always abounded with, who tho' they have not the Estates of Gentlemen, are brought up as Gentlemen; and would always live as such if they could: and with Lawyers & Schollars, to that degree, that's utterly impossible there should be Places enough for them in the National Government; and yet the Dependence of the Three last sort of Men, for their Subsistence in the World, is upon some Publick Place: and its almost impossible to keep the first sort quiet and easy under any Government, while they are no other way distinguished from their Neighbours, but by their Estates; and therefore its absolutely necessary, for all these sorts of Men, that every considerable Town in the Kingdom, should have a Charter, and set up within it self a particular Government, within the great National One; that so he that could not arrive to be a Counsellor, Treasurer or Secretary of State; might at least be distinguished, from his meaner Neighbours, by being made a Mayor, Alderman, Common Councilman, Recorder, Clerk, or Treasurer to some City, or Corporation.

But as the Town of *Boston* now enjoys the greatest and most precious Privilege, any Town or Society can be possessed of, *viz.* The transacting of all Affairs relating to the Town, by a major Voice of all its Freeholders Assembled together; its to be hoped they wont resign it, for they know not what. Those that put them so much upon being Incorporated, may draw up a Charter full of Choice Privileges, and read it to the Town when they have done; and so the Town may be drawn in to Petition for a Charter, thinking to have that very One that's read to them in the Town Meeting, but they are to consider, that when once they have Petitioned for a Charter, they must take with a great deal of thankfulness that which shall be offered to them; and not refuse it, because 'tis not such an One as they thought to have; for Beggars must not be Choosers; and its not to be thought that ever any one, who went to Petition a Sovereign Prince for a Charter, had the Hardiness or Insolence to dictate to Him the Privileges or Articles he would have it to contain:

Such a Petitioner for a Charter, might rather expect a Mittimus to be Writ him, than a Charter, for his Commitment to some Goal, there to lye to be better Instructed in good manners. However, if the Town were but Incorporated, 'twould answer the End, let the Charter be what it would, for tho' the Town should get nothing by it, yet the Projectors would be sure to get Places, in which they'd find their Account, and their Ends answered.

Then Farewel to all Town-Meetings, and to the Management of the Town Affairs by the Freeholders, Collectively, Rich & Poor Men, then will no more be jumbled together in Town Offices, as they are in the Grave, no more Mobb Town-Meetings of Freeholders, (as some are pleased to call them :) No, no: Then the Rich will exert that right of Dominion, which they think they have exclusive of all others: Then the Town Affairs will be managed by a Representative Body of Men, who will do Honour to the Town; tho' 'tis to be feared, 'twill be very Costly Honour to it; and then the Great Men will no more have the Dissatisfaction of seeing their Poorer Neighbours stand up for equal Privileges with them, in the highest Acts of Town Governments.

*But to Conclude*, It is the undoubted right of every Freeholder in *Boston*, to speak his Opinion, and give his Advice, and Vote too, concerning any Affair to be Transacted by the Town; and they cannot be Outed, or Divested of this Right, by any Person or Persons whomsoever; but only by their own Act and Deed; This is the great Privilege their Ancestors have conveyed to them; and which they ought to be very careful of transmitting entire to their Posterity, and thereby let the World know, That they are not only the Heirs of their Fore-fathers Possessions, but the Heirs of their Virtues too. *Solomon* tell us, *Proverbs* 1. 17. *Surely in vain the Net is spread in the sight of any Bird.* The Inhabitants of *Boston* cannot be Ignorant, that there are some designing Men setting a Trap for them; 'tis to be hoped, then, they will not shew themselves to be sillier than a Bird; in suffering themselves to be taking by a Trap, set, in their sight to catch them; and into which if they once get, there, they and their Posterity must for ever remain and be kept fast, for the pleasure and profit of the *TRAP-SETTERS*. *FINIS.*

Mr. MATTHEWS made the following remarks:

The first mention of Boston by that name in the Massachusetts Colony Records is under date of 7 September, 1630, when it was "ordered, that Trimountaine shalbe called Boston."<sup>1</sup> Twenty

<sup>1</sup> Massachusetts Colony Records, i. 75.

years later, in 1650, an attempt was made to incorporate Boston, and a charter was then actually drawn up.<sup>1</sup> Other attempts<sup>2</sup> were made in 1659,<sup>3</sup> in 1661,<sup>4</sup> in 1662,<sup>5</sup> in 1663,<sup>6</sup> in 1677,<sup>7</sup> in 1708—

<sup>1</sup> Massachusetts Colony Records, iii. 207, iv. i. 9. This charter is in the Massachusetts Archives, cxii. 26–35. It was printed by J. B. Felt in the New England Historical and Genealogical Register for July, 1857, xi. 206–210, but without specific reference.

<sup>2</sup> See, besides the authorities cited in the notes to the present remarks, J. Quincy, *Municipal History of the Town and City of Boston*, pp. 16, 17; S. G. Drake, *History and Antiquities of Boston*, pp. 535, 599; A. Gilman, *Story of Boston*, pp. 419–421; C. C. Smith, *Boston and the Colony*, in *Memorial History of Boston*, i. 219; J. M. Bugbee, *Boston under the Mayors*, *Ibid.* iii. 219; J. M. Bugbee, *The City Government of Boston*, pp. 8–22, in *Johns Hopkins University Studies*, v. 80–94; H. H. Sprague, *City Government in Boston*, pp. 8–10.

<sup>3</sup> Massachusetts Colony Records, iv. i. 368. Mr. Smith says:

It is curious to notice how little trace of these applications has been left on the town records. There is not a single entry in them near the date of the orders of the Court which can be directly connected with these petitions for a charter; and the only votes of the town which can be supposed to have even a remote reference to the matter were in October, 1652, and October, 1658 (*Memorial History of Boston*, i. 219).

The passages referred to by Mr. Smith are as follows:

21st of the 8th mo. . . . At the sam meeting thear was Chosen, M<sup>r</sup> Ed. Hutchinson, Capt. Robert Keyn, for to draw up and present a petition to the Genirale Court (Boston Records Commissioners' Reports, ii. 112).

15:8:58. Att a publick meeting of the freemen Itt was voted that the Gen. Court bee desired to make a law against publick houses entertainment of any inhabitants to drink on the night after the Sabbath is ended (*Ibid.* ii. 148).

The nature of the petition mentioned in the first extract is not stated, and it is difficult to see how the second extract can refer to the subject of incorporation.

<sup>4</sup> Massachusetts Colony Records, iv. ii. 26, 27. The entry is as follows:

In ans<sup>r</sup> to the petiçon of senerall the inhabitants of Boston, the Court, haning received three petitions of the like nature, & haue giuen answer thereto, judg that the said answer maybe to the sattisfaction of the pænt petiçoners, to w<sup>ch</sup> they are referred.

Presumably the references are to 30 May, 21 June, 1650, and 11 May, 1659 (*Ibid.* iii. 207, iv. i. 9, 368).

<sup>5</sup> *Ibid.* iv. ii. 56. A committee was appointed "to pervse the charter now in Court." If by the "charter now in Court" is meant the charter of 1650, it will be found, as already stated, in the Massachusetts Archives, cxii. 26–35; but if a new charter was drawn, a search in the Archives has failed to disclose it.

<sup>6</sup> Massachusetts Colony Records, iv. ii. 99. Again a committee was appointed "to pervse the charter now in Court." The comment made in the preceding note may be repeated.

<sup>7</sup> Boston Record Commissioners' Reports, vii. 111. Quincy states that "as early as 1667, among the instructions given by the town to its representatives, there was inserted the endeavor to obtain a law 'making the town a corporation, or making it a county by itself'" (*Municipal History of the Town and*



1709,<sup>1</sup> in 1762,<sup>2</sup> and in 1784.<sup>3</sup> Thereafter the attempts were frequently repeated until, after nearly a century and three quarters of agitation, the movement culminated in success in 1822.

The documents communicated by Mr. Ford have a double value. First, they are of interest in themselves; secondly, they show that a hitherto unknown attempt to incorporate Boston was made in or about 1714.<sup>4</sup> Let us see if we cannot determine the date of the documents with some precision. The first document, the Dialogue, bears the imprint, "PRINTED FOR A PUBLICK GOOD, 1714." This limits the period of publication from 1 January, 1713-14, to 24 March, 1714-15. Internal evidence, however, restricts the time to a much narrower limit. In the eleventh paragraph and in the last paragraph, there are allusions to King George. Queen Anne died 1 August, 1714, but the news of her death and of the accession of George I. did not reach Boston until 15 September, as appears from the following extract:

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City of Boston, p. 16). No such instructions are found in the Town Records for 1667, and presumably Quincy's date is a typographical error for 1677, when it was agreed "That this towne may be a Corporation or made & towne & countie."

It may be added that attempts to make Boston a county were made in 1721 and 1735 (*Ibid.* xii. 112, 114-118, xiii. 82, 276, 282).

<sup>1</sup> Boston Record Commissioners' Reports, viii. 55, 56, 58, 59, xi. 83, 84. Judge Sewall was one of the committee, and allusions to its meetings will be found in his Diary, ii. 247, 248, 250.

<sup>2</sup> Boston Record Commissioners' Reports, xvi. 67, xix. 182. This attempt was overlooked by Mr. Bugbee and by Quincy. The latter says that "in May, 1744, the subject was again revived, in a form, as was probably supposed, less exceptionable" (Municipal History of the Town and City of Boston, p. 17). At that time the town asked that—

their power may be now by an Act of the General Court increased, so as to make By Laws with the Consent of the Court of Sessions with a Penalty not exceeding Forty Shillings. That the Selectmen for the time being or the Major part of them be Constituted a Court of Record & Vested with Powers Sufficient to try & determined all Offences against the By Laws of the Town (Boston Record Commissioners' Report, xiv. 45, 49, 50).

<sup>3</sup> *Ibid.* xxv. 245, 246, xxxi. 25, 89-93.

<sup>4</sup> The Council Records, the Court Records, the Massachusetts Archives, and the Boston Town Records have been searched in vain for allusions to this attempt. Writing in 1764 Hutchinson said:

There was a disposition fifty years ago in most of the principal inhabitants of Boston to be made a corporation. A plan was formed in order to be laid before the general court of the province, which by the charter is impowered to make corporations. When

*Boston*, On the 15th Currant, in Letters and Prints brought by Two Vessels arriving here, one from Great Britain, and the other from Cork in Ireland, we received the Sorrowful News of the Death of Our Late Most Gracious Sovereign Lady Queen ANNE of Blessed Memory, And of the Accession of the Most High and Might Prince GEORGE, Elector of Brunswick Lunenburg, to the Crown of Great-Britain &c. Which News was confirmed by the London Gazette from the 31st of July to the 3d of August past, brought in a Ship from Great-Britain arriving the 17th Currant, in which Gazette, we have also the Proclamation of His Majesty accordingly, on the First of August. Whereupon His Excellency the Governour and Council have Determin'd with all possible Solemnity to Publish the said Proclamation here on Wednesday next the 22d Currant.<sup>1</sup>

The Dialogue, then, must have been printed between 15 September, 1714, and 24 March, 1714-15. During that period, two town meetings were held, — one on 30 November, 1714, the other on 14-21 March, 1714-15. In the warrants<sup>2</sup> issued by the selectmen for these meetings, there is no mention of the proposed incorporation.

The date of the second document cannot be determined with such precision. In the second paragraph it is stated that "the Inhabitants of this Province think they got but little by the Change made in their Government about Twenty-five years ago;" and in the first paragraph it is said that "the great Annual Meeting of the Town is now at hand." While these statements are not decisive,

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the heads of it were presented at a town-meeting a demagogue called out, "It is a whelp now, it will be a lion by and by, knock it in the head. Mr. moderator put the question." The people were prepared and it was rejected by a great majority (*History of Massachusetts*, i. 175 note).

On the face of it, this would seem to be an allusion to the attempt made in 1714. But that attempt never reached the town meeting held in March, 1714-15, and it seems probable that Hutchinson referred to the attempt made in 1708-09, which did come before the town meeting and was rejected.

<sup>1</sup> *Boston News-Letter*, 20 September, 1714, No. 544, p. 2/2. A copy of the *London Gazette* of 3 August, 1714, is bound between Nos. 544 and 545 of the *Boston News-Letter* in the Boston Athenæum. The funeral obsequies of Queen Anne were celebrated and King George was proclaimed at Boston on 22 September, at Salem on 23 September, and at Portsmouth, New Hampshire, on 23 September (*Ibid.* 27 September, 1714, No. 545, p. 2). See also *Publications of this Society*, v. 79 note, 80 note.

<sup>2</sup> *Boston Record Commissioners' Reports*, xi. 218, 219, 228.

there is nothing in them to prevent the conclusion that the town meeting of March, 1714-15, is meant. If so, the two documents refer to the same attempt. Possibly the documents proved so effective that the advocates of incorporation did not bring the matter before the meeting.

Mr. HENRY E. WOODS made the following communication :

At the Stated Meeting in December, 1903,<sup>1</sup> the Rev. Henry A. Parker read an interesting letter from Muriel (Sedley) Gurdon, wife of Brampton Gurdon, to the wife of Governor John Winthrop, dated at Assington, in Suffolk, England, 4 April, 1636, in which she mentions her son Edmund Gurdon, concerning whom little is known. He came to New England with his sister Muriel (Gurdon) Saltonstall, her husband, Richard Saltonstall (1610-1694), and their infant child Muriel, in the ship "Susan & Ellin," Edward Payne, Master, in April, 1635. He appears in the list of passengers<sup>2</sup> as —

Edmond Gorden . . . . 18

This mis-spelling of his name misled Savage<sup>3</sup> and Pope,<sup>4</sup> who obscured his identity under the name of Gordon. Some justification for this mistake is found in Metcalfe's Visitation of Suffolk, 1612 (p. 141), wherein the family is described as "Gordon of Assington;" and in Muskett's Suffolk Manorial Families (I. 285) where, in the pedigree of Brampton of Letton, the family is recorded as Gorden, as in Hotten. The will of Brampton Gurdon of Assington, dated 19 October, 1647, printed by Muskett<sup>5</sup> (I. 283, 284), does not mention his son Edmund, although all the other children are named and, among relatives and friends, "Mr. Edes." The natural inference is that Edmund was not then living. In the same volume (p. 288), in the pedigree of Gurdon of Letton, it is stated that —

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<sup>1</sup> Publications, viii. 202, 203.

<sup>2</sup> 3 Massachusetts Historical Collections, viii. 258, 259; Hotten's Original Lists (1874), p. 59.

<sup>3</sup> Genealogical Dictionary of New England, ii. 280.

<sup>4</sup> Pioneers of Massachusetts, p. 193.

<sup>5</sup> An abstract of this will is also printed in Waters's Genealogical Gleanings in England, ii. 956, 957.

Edmond Gurdon, 3d son, d. at the "Barmoodies," i. e. Bermuda, on his way to New England.

In a letter from Brampton Gurdon to Governor John Winthrop, dated 11 April, 1637, is the following passage :

Sir, as conscearning my sonn Edmund, I neuer ment he should be burddensoum to yow, & so I writ to yow, & I gaue that order to my sonn & dafter Saltonstall, I mad account when they went that I had monis coumming to me for clothe that I scent by Mr. Dellingan,<sup>1</sup> I must tele you, I ded maruell when it was furst writ to me that yow had vnder-taken him, that yow wear to haue the profit of his 2 bullocks, which wear licke to yeld no profet but charg till the spring followeng, only I hoped you ded geue him soum imployment to helpe toward his charg. Good Sir, I sethen as I resayued your letter, gaue order to pay 20*l* to Mr. Douneng,<sup>2</sup> as the letter dyrected me, & shall wellingly yeld you whot more yow desyer, & so I haue geuen order to my sonn Saltonstall. I haue had a purpos of haueng the boy to returne only in this regard, he haue a copyhould tenement houlden of Do. Warrens<sup>3</sup> parsonage at Melford,<sup>4</sup> the boy shall if he liu to mid 7bur, be 21 years of age, I would haue him scele it, & then returne if God will, in the spring. I should be glad to fyend him met to maneg the stocke that I desyer to bestow

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<sup>1</sup> The reference is probably to John Dillingham of Boston, afterward of Ipswich, Massachusetts, whose relations with Richard Saltonstall were intimate, although it may possibly have been to his brother Edward Dillingham of Lynn and later of Sandwich, Massachusetts. Cf. Massachusetts Colony Records, i. 177, 193; Hammatt Papers (1880), pp. 44 n., 45 n., 77, 78; 4 Massachusetts Historical Collections, vi. 40<sup>b</sup>, 54, 55, 496, 498, vii. 253; New England Historical and Genealogical Register, vii. 225, 226; Savage, Genealogical Dictionary of New England, ii. 50; Jewett, Memorial of Samuel Appleton (1850), pp. 11, 84, 85.

<sup>2</sup> Emanuel Downing.

<sup>3</sup> The Rev. Dr. Robert Warren (or Wareyn), after holding the living of Long Melford for twenty-five years, was sequestered from his benefice and parsonage in 1643, but, at the age of ninety-six, was restored in 1660. See E. L. Conder, Church of the Holy Trinity, Long Melford, Suffolk (1887), pp. 14, 15; J. Gage, History and Antiquities of Suffolk, Thingoe Hundred (1838), pp. 89, 90; W. A. Copinger, Suffolk Records & MSS, iv. 116, 117; J. and S. C. Venn, Admissions to Gonville and Caius College in the University of Cambridge (1887), p. 51.

<sup>4</sup> The reference is to Long Melford in the hundred of Babergh and county of Suffolk, England, a rectory in the archdeaconry of Sudbury and diocese of Norwich, three miles north from Sudbury.



*Franklin Davenport*

*Engraved for The Colonial Society of Massachusetts  
from a proof of St. Menn's plate in the possession of  
William James Campbell Esquire*

upon him, it may be 5 or 600 l, I shall be glad to be advised for the best conscedring his weack capasyte for the orderring of it.<sup>1</sup>

It thus appears that Edmund Gurdon was born about 15 September, 1616, which agrees with the age (18) ascribed to him in the passenger-list of the "Susan & Ellin" in the spring of 1635. It also seems probable that he returned to England during the summer or autumn of 1637, executed the document which his father "would have him scele," and in the spring of 1638 started on his return to New England and died on the passage, at the Bermudas.

Mr. EDES called attention to a statement recently made<sup>2</sup> in which it was asserted that Joseph de Valnais, French consul in Boston, on whom the honorary degree of Doctor of Laws was conferred by Harvard College in 1779, was married on 22 May, 1781, to Eunice Quincy, daughter of Henry and Eunice (Newell) Quincy and grandniece of "Dorothy Q." Mr. Edes pointed out that the marriage did not take place on the date specified, but merely that the marriage intentions were then recorded.<sup>3</sup>

Mr. EDES read the following —

SKETCH OF GENERAL FRANKLIN DAVENPORT,  
1755-1832.

At the Stated Meeting in January last,<sup>4</sup> I made a short communication on Josiah Davenport,<sup>5</sup> a nephew of Dr. Franklin, and his family. At that time I was unable to find in print any but the briefest accounts of his distinguished son, General Franklin

<sup>1</sup> 4 Massachusetts Historical Collections, vi. 563, 564.

<sup>2</sup> Harvard Graduates' Magazine for March, 1906, xiv 571, 572.

<sup>3</sup> Boston Record Commissioners' Reports, xxiv. 300, xxx. 34, 326, 419, 448. The marriage is not recorded in the Boston Town or Church Records.

<sup>4</sup> Publications, x. 225-227.

<sup>5</sup> Mr. William Nelson, the Corresponding Secretary of the New Jersey Historical Society, to whom I am indebted for much of the new material used in this sketch of General Davenport, sends me the following memoranda concerning the appointments of his father, Josiah Davenport, or Josiah Franklin



*Franklin D. Roosevelt*

*January 19, 1933*







*James Campbell*

*Engraved for The Colonial Society of Massachusetts  
from a proof of H. Meinen's plate in the possession of  
William James Campbell Esquire*



Davenport. These were in some respects contradictory; and all were deficient in important particulars. I have since secured from correspondents in New Jersey some valuable data drawn from original sources, which seem to justify an attempt to give in our Transactions a connected account of this kinsman of Franklin, who for nearly half a century served New Jersey in military, legislative and judicial life, and in both Houses of Congress.<sup>1</sup>

General Davenport was the elder son of Josiah Davenport by his second wife, Ann Annis, to whom he was married in Philadelphia on the thirteenth of December, 1751.<sup>2</sup> The places and

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Davenport as he was sometimes called (see p. 227 *note*, above), to various public offices:

- 1773  
 Jan. 8 Davenport, Josiah Franklin, Register and Clerk in Chancery (Book of Commissions AB, p. 121).  
 Feb. 11 Davenport, Josiah Franklin, Cursitor in Chancery (*Ibid.* AB, p. 121).  
 Feb. 25 Davenport, Josiah Franklin, Naval Officer for New Jersey (*Ibid.* AB, p. 122).  
 Feb. 25 Davenport, Josiah Franklin, Justice of the Peace for Burlington County (*Ibid.* 3A, p. 436).  
 1774  
 Oct. 3 Davenport, Josiah F., Clerk, Gloucester County (*Ibid.* AB, p. 168).  
 1776  
 Sept. 11 Davenport, Josiah F., Justice of the Peace for Burlington County (Minutes and Proceedings of the Council and General Assembly of the State of New Jersey in Joint Meeting, 30 August, 1776–May, 1780, p. 7).

Mr. Nelson adds:

In the Minutes of the Provincial Congress of New Jersey (p. 483), it is noted that on June 29, 1776, Josiah Franklin Davenport presented a bill "To board and lodging Governor Franklin, his servant, &c. one week £3," which was ordered paid. Josiah Franklin Davenport's several appointments to office were made by his cousin Governor Franklin. No doubt he gave the Governor full value for the £3 which he charged the State for his board.

Mr. Nelson also calls attention to the fact that there was a Francis Davenport of Salem and Burlington Counties who held many public offices, 1684–1716, and a family of Devenports in Morris County, who came from Kingston, New York, in 1704, none of whom were related to the Gloucester County Davenports, although they are sometimes confounded by writers who are not aware of the lack of kinship.

<sup>1</sup> Nearly all the facts contained in this notice of General Davenport are embodied in an article on the editorial page of the Constitution and Farmers and Mechanics' Advertiser, published at Woodbury, New Jersey, in its issue of Wednesday, 11 July, 1906, p. 2/4.

<sup>2</sup> Registers of Christ Church, in which no later record of this family is found. From this fact and the absence of any record of General Davenport's

dates of his birth and baptism are not known; some writers say that he was born in Philadelphia,<sup>1</sup> while another<sup>2</sup> names New Jersey as his native State; and one of these places his birth "about 1752."<sup>3</sup> If the recently discovered contemporary newspaper announcements of his death are accurate as regards his age, General Davenport was born in 1755 or 1756. The printed accounts just cited agree in stating that he had a "liberal" or an "academic" education, but are silent as to where it was received. Adopting the profession of law, he was early admitted to the Bar and began practice at Woodbury, New Jersey, where, apparently, he made his permanent home. In speaking of his professional life, Mr. William Nelson writes:

Franklin Davenport was licensed as an attorney-at-law, at the November Term, 1776, of the New Jersey Supreme Court. He was doubtless just twenty-one years of age at the time. In the ordinary course, he would have been licensed as counsellor three years later, but the records of our Supreme Court from about 1780 to 1792, are imperfect, and no record has been found of his license as counsellor. In 1797 [at the April term] he was called up as a sergeant-at-law; the sergeants were selected from the most conspicuous counsellors.

On the first of October, 1776, Franklin Davenport was appointed Clerk of the Peace and Pleas for Burlington County.<sup>4</sup> His professional career, however, was interrupted by the Revolu-

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birth in Philadelphia, the inference is reasonable that soon after their marriage his parents removed to New Jersey, and that he was born there, perhaps at Woodbury.

<sup>1</sup> National Cyclopædia of American Biography, ii. 8; Appletons' Cyclopædia of American Biography, ii. 82; Lamb, Biographical Dictionary of the United States, ii. 348.

<sup>2</sup> A Biographical Congressional Dictionary, 1774-1903 (Washington, 1903), p. 489.

<sup>3</sup> Lamb, Biographical Dictionary of the United States, ii. 348.

<sup>4</sup> Minutes and Proceedings of the Council and General Assembly of the State of New Jersey in Joint Meeting, 30 August, 1776-May, 1780, p. 9. I am indebted to Mr. Henry C. Buchanan, Librarian of the New Jersey State Library, for the facts drawn from the Minutes of the General Assembly and also from the Minutes of the Joint Meeting. My thanks are also due to the Hon. S. D. Dickinson, Secretary of State, and Mr. William Riker, Jr., Clerk of the Supreme Court of New Jersey, for their courteous replies to my inquiries for information which I sought in their respective offices.

tionary War. In response to an inquiry for information concerning his military service, I received from General Breintnall a courteous reply in which he was so kind as to enclose the following certificate:

State of New Jersey,  
Office of Adjutant General,  
Trenton, May 15, 1906.

IT IS CERTIFIED, That the records of this office show that

FRANKLIN DAVENPORT

served as a Private, Captain James Sterling's Company, First Regiment, Burlington County New Jersey Militia; Quartermaster, First Regiment, Burlington County, New Jersey Militia; Brigade Major, New Jersey Militia; Captain Lieutenant, Captain Samuel Hugg's Company, Artillery, Gloucester County New Jersey Militia, Brigadier General Silas Newcomb's Brigade; at battles of Trenton, New Jersey, December 26, 1776; Princeton, New Jersey, January 3, 1777; Cooper's Creek and Saunder's Hill on Mantua Creek, Gloucester County, New Jersey, December, 1777; Assistant Quartermaster, Quartermaster General's Department; Captain and Quartermaster, Quartermaster General's Department; assistant Quartermaster General, Quartermaster General's Department; Assistant Quartermaster, Gloucester Brigade, New Jersey Militia, February 25, 1778; Captain and Quartermaster, Gloucester County Militia, March 2, 1778, to March 2, 1779, — served to the close of the Revolutionary War.

Commissioned Lieutenant Colonel, Commanding, First Regiment, Infantry, New Jersey Detached Militia, Brigadier General Joseph Bloomfield's Brigade, September 24, 1794, for three months; discharged December 25, 1794, expiration of service, — during the Pennsylvania Insurrection, 1794.<sup>1</sup>

Commissioned Brigadier General, Gloucester County New Jersey Militia, November 4, 1796.

Commissioned Major General, First Division, New Jersey Militia, November 12, 1823.<sup>2</sup>

R. HEBER BREINTNALL,  
*Adjutant General.*

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<sup>1</sup> Franklin Davenport had previously been appointed Lieutenant-Colonel of the Second Regiment, Gloucester, 5 June, 1793 (*Ibid.* 23 May–5 June, 1793, p. 29).

<sup>2</sup> It is to be remarked that General Davenport's appointment as Major-General of the First Division of the Militia of New Jersey appears under the subsequent date of 9 December, 1823 (*Ibid.* 31 October–9 December, 1823, p. 31).

At the close of the War for Independence, General Davenport resumed the practice of law, and in 1785 was appointed by the Governor, acting in his capacity of Ordinary,<sup>1</sup> Surrogate of Gloucester County. He was a member of the General Assembly of New Jersey from Gloucester County from 1787 till 1789.<sup>2</sup> On the sixth of November, 1792, and again on the sixth of November, 1812, he was chosen a Presidential Elector.<sup>3</sup> On the nineteenth of December, 1798, by appointment of the Governor, he took his seat as a Senator of the United States from New Jersey, as the successor of John Rutherford, who had resigned the office, and served till the third of March, 1799.<sup>4</sup> At the next National election he was chosen a Representative in the Sixth Congress and served from the second of December, 1799, till the third of March, 1801.<sup>5</sup> On the seventeenth of November, 1801, he was

General Breintnall's attention having been called to this discrepancy, he replied as follows:

I have your letter . . . relative to the appointment of General Franklin Davenport as Major General of the First Division of the Militia of New Jersey. The date I sent you—November 12, 1823—is of record, but December 9, 1823, is the correct date. I am glad you called my attention to this fact that I might have the privilege of making the correction.

You are further informed that Franklin Davenport was a Captain commanding a Battery of Artillery attached to Colonel Joseph Ellis' Second Battalion, Gloucester County Militia, in the brigade commanded by Brigadier General Silas Newcomb, at the battle of Red Bank, New Jersey, October 22, 1777, Revolutionary War.

<sup>1</sup> See New Jersey Archives (1901), vol. xxiii. pp. lxxviii-lxx, lxxii, lxxxii, lxxxiii. General Davenport held this office until 1798, when he resigned it and was succeeded (26 December) by Elisha Clark. Twenty-five years later he was once more a candidate for this office but was defeated, 31 October, 1823, by Jacob Glover, with whom he again unsuccessfully contested the office, 31 October, 1828. He was also an unsuccessful candidate for the office of Clerk of the Pleas in Gloucester County, 28 October, 1825 (Minutes and Proceedings of the Council and General Assembly in Joint Meeting, 31 October-9 December, 1823, p. 5; 1825, p. 10; and 1828, 1829, p. 5).

<sup>2</sup> Minutes of the General Assembly of the State of New Jersey, 1787, 1788, 1789.

<sup>3</sup> Minutes and Proceedings of the Council and General Assembly in Joint Meeting, 29 October-30 November, 1792, p. 42; and 1812, p. 259.

<sup>4</sup> Journals of the United States Senate; A Biographical Congressional Dictionary, 1774-1903, pp. 33, 489; 2 Proceedings of the Massachusetts Historical Society, x. folding table between pp. 8 and 9.

<sup>5</sup> Journals of the United States House of Representatives; A Biographical Congressional Dictionary, 1774-1903, p. 37; National Cyclopædia of American Biography, ii. 8.

appointed Master in Chancery, and on the fourteenth of July, 1826, Master and Examiner in Chancery.<sup>1</sup> On the sixth of November, 1812, he was appointed Bank Commissioner of the State Bank of Camden.<sup>2</sup> On the fourth of July, 1812, he was present at the head of the delegation of ten members from Gloucester County in the Peace Convention held by the Federalists of New Jersey in the City of Trenton.<sup>3</sup> The last appointment of General Davenport to office of which I have any knowledge is that as Judge of the Court of Common Pleas of Gloucester County, on the eighth of November, 1828, when he was also appointed a Justice of the Peace for the same County.<sup>4</sup>

A long search for the name of General Davenport's wife resulted in finding the following contemporary announcements of his marriage:

Married, on Friday evening last, by the Rev. Mr. Clarkson, Gen. Franklin Davenport, of Woodbury, in New Jersey, to Miss Sarah Barton Zantzinger, Daughter of Paul Zantzinger, Esq., of this Borough.<sup>5</sup>

Married. On Friday evening, the 18th inst., at the borough of Lancaster (Penn). General Franklin Davenport, to Miss Sarah Barton Zantzinger, daughter of Paul Zantzinger, Esq.<sup>6</sup>

Although there may have been children of this marriage, I have been unable to learn the name of any, owing to the imperfection of the town and church records of Woodbury and the absence of any probate proceedings upon General Davenport's estate either at Woodbury or at Trenton.

Three of the biographical dictionaries or cyclopædias which

<sup>1</sup> Memorandum attached to the back cover of the volume containing the Minutes and Proceedings of the Council and General Assembly in Joint Meeting, 1776-1799; General Index of Masters and Examiners in Chancery, Chancery Office, Trenton, New Jersey.

<sup>2</sup> Minutes and Proceedings of the Council and General Assembly in Joint Meeting, 29 October-6 November, 1812, p. 261.

<sup>3</sup> Proceedings and Address of the Convention of Delegates to the People of New Jersey, n. p., n. d., 8vo., pp. 20.

<sup>4</sup> Minutes and Proceedings of the Council and General Assembly in Joint Meeting, 1828, 1829, pp. 15, 16.

<sup>5</sup> The Intelligencer, and Weekly Advertiser, Lancaster, Pennsylvania, of Tuesday, 22 May, 1804, p. 3/3.

<sup>6</sup> Trenton Federalist of Monday, 28 May, 1804.

have been already cited state that General Davenport died "about 1829." An examination of the principal newspapers of that period printed in Philadelphia and New Jersey proved the inaccuracy of this date. The most important obituary notice which was found follows :

#### ANOTHER REVOLUTIONARY SOLDIER GONE.

At Woodbury, New Jersey, on the morning of the 27th instant [ultimo, July] General Franklin Davenport, in the 77th year of his age. His remains were deposited in the burial ground near Woodbury on Saturday afternoon last, by the side of his relative.<sup>1</sup> As it is contemplated by his friends to give a short history of his valuable life, it is considered unnecessary to say more upon this melancholy subject at this time than is contained in this notice.<sup>2</sup>

This communication may be fitly closed by the following brief notice of General Davenport which appears in one of the New Jersey county histories :

#### FRANKLIN DAVENPORT.

It is believed that the subject of this sketch was Woodbury's first lawyer. He was one of the most distinguished men in the State, and the most noted citizen of Old Gloucester County in its early days. During the Revolutionary War he served as an officer of the New Jersey troops, and particularly distinguished himself at Fort Mifflin, under Gen. Samuel Smith, and after the war was known as General

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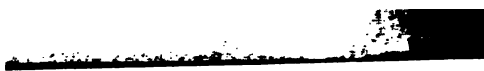
<sup>1</sup> It would be interesting to know who this relative was, but as my New Jersey correspondents inform me that no gravestone to General Davenport's memory can be found, it is impossible to identify this person.

<sup>2</sup> Emporium and True American, Trenton, New Jersey, of 4 August, 1832. This notice, doubtless, was copied from one in the same form which appeared in Poulson's American Daily Advertiser, Philadelphia, of 31 July. The Daily Chronicle, Philadelphia, of Tuesday, 31 July, merely announces General Davenport's death in two lines as having occurred on the 27th instant at Woodbury, which is only eight or ten miles from Philadelphia. The Newark Daily Advertiser of 2 August also prints a two-line announcement of the death, which it states occurred "on the morning of the 28th instant,"—undoubtedly a double typographical error. Adjutant-General Breintnall informs me that the records in his office state that General Davenport died at Woodbury 27 July, 1832, at the age of seventy-seven years.





H. H. H.



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Davenport. When the office of County Surrogate was created General Davenport was appointed to the position by Governor William Livingston, and was sworn in February 15, 1785, before Judge John Wilkins. He practised law at the same time he was Surrogate, and from the frequent mention of his name in the early county records it is evident that he had an extensive practice. During 1798 and 1799 he was a United States Senator from New Jersey, and for two years thereafter a member of Congress. He was a member of the famous "Fox Hunting Club," established in this county prior to the Revolution, and we find his name among the original Trustees of Woodbury Academy, erected 1791, also among the original members of the Woodbury Library Company, instituted in 1794. He was one of the first members of the Gloucester County Bible Society, founded in 1816. During the "Whiskey Insurrection" in Pennsylvania, in 1794, General Davenport was a Colonel commanding New Jersey troops. Among the records in the Surrogate's office, Woodbury, occurs the following:

December term, 1794. No business, the Surrogate (the first appointed), Franklin Davenport, having marched from Trenton, N. J., through Pennsylvania to Pittsburgh, as Colonel commandant of a detachment of New Jersey militia, consisting of seven hundred and twenty-four, rank and file, with a double proportion of field and staff officers, by order of the President of the United States, George Washington, to assist in quelling an insurrection raised by the patriots of the day.

His house and office were in a frame building that stood on the site just south of Paul's Hotel, now occupied as the residence of George Brick.<sup>1</sup>

Mr. EDES made the following remarks:

As so much injustice has been done General William Hull and his memory by contemporaries and by later writers, it seems proper that there should be preserved the testimony of an eye-witness of a meeting between the Marquis de Lafayette and General Hull, which has recently been put into my hands by a great-granddaughter of the General.

The loss of Detroit on the sixteenth of August, 1812, in consequence of the failure of the Government to support him, as it had pledged itself to do, in carrying out his orders to invade Canada

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<sup>1</sup> Thomas Cushing and Charles Sheppard, *History of the Counties of Gloucester, Salem and Cumberland, New Jersey, with Biographical Sketches of their prominent citizens* (1883), pp. 129, 130.

with a wholly inadequate force, resulted in General Hull being courtmartialled, the trial taking place at Albany. He was charged with treason, cowardice, and neglect of duty, found guilty on the second and third charges, and sentenced to be shot. In view, however, of his services during the Revolutionary War he was recommended to the mercy of the President. Madison approved the sentence but remitted its execution. It was not until 1824 that Hull succeeded in getting access to documents in the archives of the War Department which were essential to his vindication. Thereupon he published his *Memoirs of the Campaign of 1812*, which at once changed public opinion in his favor.<sup>1</sup> The next year (1825) General Hull was given a public dinner by leading citizens of Boston of both political parties as an expression of their sympathy and esteem.<sup>2</sup> He died at his house in Newton, Massachusetts, in the following autumn, 29 November, 1825, in his seventy-third year.<sup>3</sup>

<sup>1</sup> Our late associate, General Joseph Wheeler, U. S. A., a grandson of General Hull, had been engaged for several years in collecting from the public archives of England, Canada, and the United States the materials for a complete vindication of General Hull from the aspersions cast upon him by rivals who, in consequence of his downfall, rose to place and power which they abused by preventing him from obtaining for several years copies of official documents for which he had repeatedly applied in vain. See above, p. 247 and *note*.

<sup>2</sup> The dinner was given on Monday, 30 May, 1825, at the Exchange Coffee House. Two hundred persons were present. The Hon. William Sullivan was president of the day, introduced the guests to General Hull, made him a formal address, to which Hull replied, and presided at the dinner. See the *Columbian Centinel* of Wednesday, 1 June, 1825, p. 2/3, in which the two Addresses are printed at length.

<sup>3</sup> *Columbian Centinel* of Wednesday, 30 November, 1825, p. 2/4; Jackson, *History of Newton*, p. 312; *Vital Records of Newton*, p. 465; Dexter, *Yale Biographies and Annals*, iii. 444-448; S. C. Clarke, *Records of Some of the Descendants of Richard Hull* (Boston, 1869), pp. 7-17, and *Records of Some of the Descendants of John Fuller* (Boston, 1869), pp. 8-12; *New England Historical and Genealogical Register*, xlvii. 141-153, 305-314; *Report of the Trial of Brig. General William Hull, commanding the North-Western Army of the United States, by a Court Martial held at Albany on Monday, 3d January, 1814, and succeeding days, New York, 1814; Defence of Brigadier General W. Hull . . . With an Address to the Citizens of the United States*, Boston, 1814; W. Hull, *Memoirs of the Campaign of the North Western Army of the United States*, A. D. 1812, Boston, 1824; Maria Campbell and J. F. Clarke, *Revolu-*

On the twenty-fifth of August, 1824, soon after Lafayette's return to America, General Hull wrote to him a letter<sup>1</sup> of which a rough draught has been preserved in the family of his grandson, the late Rev. Dr. James Freeman Clarke. This follows.

Amidst the general Joy, which inspired all ranks and classes of my fellow Citizens, the moment, you step'd your feet, on American ground, which your youthfull valor defended, all the recollections of that eventfull period, were brought back to my mind. I remembered the feelings of joy which were excited on your first arrival, the dangers, you voluntarily encountered, and the wounds you received, in the contest for our safety and independence. Permit me, one of your associates in the memorable scenes, to present to you, the homage of my most sincere congratulations, on your return to witness the blessings, which your disinterested and gallant [services] were so instrumental in acquiring.

The purest patriotism, and the greatest human wisdom, will not always control our destinies. The purity of your views, and the most disinterested and patriotic services, in your own Country, illustrate, in a forcible manner, this truth.

Misfortunes, uncommon in their nature, and arising from causes, which never have been developed, have attended the exertions, which duty commanded me to make in defending those rights, in acquiring which my feeble but best exertions were frequently called into action. You probably may have some knowledge of my situation and the events to which I allude.

Since these events, I have retired from society, and devoted myself, exclusively to my family, and agricultural pursuits. A consciousness of the most upright intentions, and having discharged a duty, at a most critical period, in the most faithfull manner [of which] I was capable, has been my support, amidst the trials, which I have been called to experience.

Untill within a few months, I was not able to obtain the documents, necessary, to exhibit a correct account of the operations of the Campaign of 1812, and have been silent on the subject. Lately, I have

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tionary Services and Civil Life of General William Hull . . . with the History of the Campaign of 1812, and the Surrender of the Post of Detroit, New York, 1848.

<sup>1</sup> The Columbian Centinel of Wednesday, 28 March, 1825, p. 2/2, announced that General Hull had received "a letter from Gen. Lafayette, dated at Charleston, South Carolina, the 9th instant," — doubtless in reply to Hull's letter in our text.

commenced, and nearly finished the publication of a series of numbers, founded principally on documents, which M<sup>r</sup> Calhoun, our Secretary of War, has furnished, which, I presume will give a satisfactory view, of the causes of the disasters, of the Army, I commanded. As soon as the publication of these numbers is finished in the News papers, I shall republish them in a pamphlet, when I will do myself the honour, to present to you a Copy.

Any attempt to unfold the truth, of any military operations in a Country, in which you have acted so distinguished a part, I am sure will be received by you, and examined with candour, and an impartial decision will be formed. In the year 1795, I did myself the honour, to call and pay my respects to your Lady, the Marchioness, De la Fayette in Paris, when you were absent.

When the splendour of parade has subsided, and you are quietly seated in your house, I shall wish to call, and once more enjoy the pleasure of personally assuring [you] of my warmest wishes for your prosperity and happiness.

With the highest respect I remain your old friend  
and most devoted humble Serv<sup>t</sup> <sup>1</sup>

The Columbian Centinel of Wednesday, 22 June, 1825, p. 2/1, contains the following paragraph:

On Sunday [19 June] he [Lafayette] attended divine service in the Church in Brattle Street, and in Trinity Church. During the intermission he visited Gen. Hull and Lady, at the residence of Mr. McLellan, in Winthrop Place,<sup>2</sup> where he met his old companions in arms, Gen. Cobb, Gen. Huntington, Col. Putnam, and others.

It was on this occasion, when several of General Hull's grandchildren were present, that Mr. McLellan's youngest child, Sarah Ann Fuller McLellan, presented a rose to Lafayette, who took her in his arms and kissed her. She subsequently married Dr. William Read, a graduate of Dartmouth College in the class of 1839, and died 20 May, 1905.<sup>3</sup> In 1877 her cousin, Mrs. Anna Hickman

<sup>1</sup> There are, in fact, three rough draughts of this letter. What is apparently the final form of the letter is printed in the text.

<sup>2</sup> This house was numbered 3 in Winthrop Place. It was subsequently the home of Rufus Choate. Isaac McLellan, of Portland, Maine, had married, 13 March, 1805, General Hull's daughter Eliza. See S. C. Clarke, *Records of Some of the Descendants of Richard Hull*, pp. 11, 13, 14.

<sup>3</sup> Her son, Mr. Charles French Read, is the efficient Clerk of the Bostonian Society.

Chalmers,<sup>1</sup> wrote to an elderly gentleman, who was a great admirer of General Hull, a letter from which the following passage is copied :

In obedience to your request that I would transcribe my recollections of the meeting of my grandfather, General Hull, with General Lafayette, when the latter visited our country in the year 1825 I would say that I was present at the house of my uncle, Isaac McLellan, in Boston, when the General made a special visit to my grandfather. It was very touching to witness the meeting of the old companions in arms. General Lafayette embraced my grandfather in the French form, laying his hands upon his shoulders, and said, among other words of gracious welcome, "We both have suffered contumely and reproach; but our characters are vindicated; let us forgive our enemies and die in Christian love and peace with all mankind."

One of Isaac McLellan's sons, Henry Blake McLellan, born 16 September, 1809, graduated at Harvard College in the great Class of 1829, and died in Boston, 4 September, 1833, at the early age of twenty-four. After graduation, he went abroad, and was Lafayette's guest at La Grange.

Mr. EDDES also made the following communication :

Mr. Charles Butler Brooks of Boston has recently put into my hands two original papers with permission to communicate them to this Society for publication in our Transactions: a Petition, in 1680, of Joshua Scottow to the General Court for redress from the persecution of Nicholas Shapleigh, Edward Rishworth, and Samuel Wheelwright; and the Oath, Declaration and Association subscribed by Wait Winthrop, 20 May, 1700, when he qualified as Judge of the Court of Vice-Admiralty.

<sup>1</sup> Anna Maria Campbell Hickman, born at Detroit, 23 July, 1809, was the elder daughter of Capt. Harris Hampden Hickman, U. S. A., and Ann Binney Hull, his wife, a daughter of General Hull. She married (1) George Alexander Otis, Jr., of Boston, (2) the Rev. Zachariah Mead (Y. C. 1825), and (3) David Chalmers, of Halifax County, Virginia (S. C. Clarke, Records of Some of the Descendants of Richard Hull, pp. 9, 11, 14; Heitman, Historical Register of the United States Army, 1789-1889; A Biographical Sketch, Anna Maria Mead Chalmers, In Memoriam, 1893, in which the meeting of Lafayette and General Hull is briefly described, p. 21).

Captain Joshua Scottow, with his mother Thomasine and brother Thomas, about 1634<sup>1</sup> came to Boston, where he was a prominent merchant and a Selectman 1657-1667.<sup>2</sup> His house and half acre of garden were on that part of Sudbury Street now known as Court Street.<sup>3</sup> The lot was on the northeasterly side of the street, between Brattle Street and the present Cornhill. It had a frontage of about a hundred feet, of which perhaps twenty feet were taken when Cornhill was laid out, in 1816. The estate extended back between two hundred and three hundred feet, nearly to Franklin Avenue and Brattle Square. He early joined the First Church<sup>4</sup> and was among those members who became the founders of the Old South Church, in 1669.<sup>5</sup> In 1645 he was appointed by the General Court commissioner to regulate the export of powder.<sup>6</sup> He was ensign, and later captain, of the Ancient and Honorable Artillery Company;<sup>7</sup> and in 1654-1657 the confidential agent of La Tour in transactions with the Colonial government.<sup>8</sup> He was well connected socially, his eldest daughter, Lydia, having married (1) Benjamin Gibbs, (2) Anthony Checkley, the Attorney General, and (3) William Colman, the father of John Colman,<sup>9</sup> a prominent merchant, and the Rev. Dr. Benjamin Colman; while another daughter, Elizabeth, married Lieutenant-Colonel Thomas Savage (1640-1705),<sup>10</sup> and a third, Mary, became the wife of Captain Samuel Checkley. Still another daughter, Rebecca, married the Rev. Benjamin Blakeman (H. C. 1663) of Saco, Maine.<sup>11</sup> His

<sup>1</sup> Savage, *Genealogical Dictionary of New England*, iv. 39, 40.

<sup>2</sup> Boston Record Commissioners' Reports, ii., vii., *passim*.

<sup>3</sup> *Ibid.* ii. (third edition), part 2 (Book of Possessions), pp. 14, 88, 97. Cf. the Publications of this Society, vi. 93, 94.

<sup>4</sup> Records of the First Church in Boston, 19 (3) 1639.

<sup>5</sup> *Ibid.*; Hill, *History of the Old South Church in Boston*, i. 12, 113, 116 and *notes*, and *passim*; An Historical Catalogue of the Old South Church in Boston (1883), pp. 5, 219, 220.

<sup>6</sup> Massachusetts Colony Records, ii. 137.

<sup>7</sup> O. A. Roberts, *History of the Ancient and Honorable Artillery Company*, i. 152, 153.

<sup>8</sup> Savage, *Genealogical Dictionary of New England*, iv. 40; Massachusetts Colony Records, iii. 304, iv. i. 146.

<sup>9</sup> See the Publications of this Society, vi. 86-89.

<sup>10</sup> See *Ibid.* vi. 39.

<sup>11</sup> Benjamin Blakeman's name was and is often misspelled Blackman. See notices of him in Sibley, *Harvard Graduates*, ii. 140-144; Williamson, *History of the State of Maine* (1832), i. 664, 665.



only son, Thomas Scottow,<sup>1</sup> graduated at Harvard College in 1677, and after graduation went to reside at Black Point, where, later, he commanded the garrison. Andros appointed him Register of Probate and County Commissioner for the County of York at or about the same time that he commissioned Captain Scottow Judge of Probate for the same county.<sup>2</sup>

In 1660 Captain Joshua Scottow began to buy land in Scarborough, in the Province of Maine. In July, 1666, he purchased from Henry Jocelyn the Cammock Patent "bounded on the East, West & South part of it by bay of Sacoe & other Rivers or Crickes,"<sup>3</sup> and on the North by Robert Jordan's patent, together with 750 acres bordering upon it.<sup>4</sup> He became the principal

<sup>1</sup> For notices of Thomas Scottow see Sibley, *Harvard Graduates*, ii. 522-524; Williamson, *History of the State of Maine*, i. 692. He was left a double portion in his father's will (Suffolk Probate Files, no. 2432), dated 23 June, 1696, but he died soon after, as Sibley says he was starved in the Triennial of 1700.

<sup>2</sup> W. Willis, in *A History of the Law, the Courts and the Lawyers of Maine* (1863), pp. 55, 56, gives lists of the Judges and Registers of Probate in which the Scottows, father and son, appear to have held their respective offices from 1687 till 1693. The son had already received a similar appointment at the hands of Andros's predecessor. Mr. James J. Tracy has been so kind as to send me a memorandum stating that the Council Records during Dudley's Presidency show that on 18 June, 1686, Thomas Scottow, designated "Sworn Clerk of the Province of Maine," was empowered to demand and receive the records from Mr. Rushworth, "late Registrar of the Province" (ii. 44); and, under date of 20 July, 1686, that an order was passed that a letter be drawn up and directed to Mr. Edward Rushworth to comply with the order for delivering the records to Thomas Scottow, "now appointed" Recorder of the Province, and designating a committee to advise Scottow as to a suitable place in Wells for keeping the records and to fix his time of attendance at his office (ii. 54).

<sup>3</sup> York Court Records, ii. 223. I am again indebted to our associate the Hon. James Phinney Baxter for the use of his copy of these Records, which is cited in this and subsequent notes to this communication. See also Williamson, *History of the State of Maine*, i. 666, 667.

<sup>4</sup> W. S. Southgate, *History of Scarborough*, in *Collections of the Maine Historical Society* (1853), iii. 116. A notice of Scottow is in *Ibid.* iii. 115-126, 131-133. The lands embraced in the Cammock Patent, some 1500 acres, and the 750 acres contiguous thereto, were sold in 1728 by Scottow's executor and son-in-law, Capt. Samuel Checkley, for £1500, to Timothy Prout of Boston, merchant, who had married Lydia Savage, daughter of Lieut.-Col. Thomas Savage (1640-1705) and grand-daughter of Captain Scottow. The locality

landed proprietor in the town, and having gone there to reside permanently, about 1670, he also became a leading merchant and prominent citizen, his residence being at Black Point where his garrison-house was built.

On the seventh of July, 1674, Scottow was appointed on a committee to repair and finish the prison at Casco;<sup>1</sup> and at the same meeting of the County Court, held at York, he was presented "for presuming the office of a commissioner . . . for y<sup>e</sup> Town of Scarborough, hee not being chosen by the Sd. Town."<sup>2</sup> In 1676, however, we find him exercising that function without challenge.<sup>3</sup> In 1679, "the [six] gentlemen clothed with judicial authority for the Eastern Province" included Captain Scottow,<sup>4</sup> who, at the beginning of President Danforth's administration, in 1680, was appointed one of the Standing Council, the members of which, besides being the upper branch of the Legislature, were also judges of the Supreme Court and magistrates throughout the Province.<sup>5</sup> After the overthrow of Andros, the Council of Safety, 15 May, 1689, confirmed the former Councillors of the Province, including Scottow, in their offices, and they were afterward established in their official trust by the General Court, 24, 25 May, 1689.<sup>6</sup> In 1680 Scottow was also appointed by the General Court captain of the military company at Black Point.<sup>7</sup> In 1681 we find him complaining against the Selectmen of Scarborough for overrating him.<sup>8</sup> On the twenty-seventh of June, 1683, he was of a committee to treat with the Indians at Sa'co.<sup>9</sup> The same year, 1683, he was

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has since become known as Prout's Neck (York Deeds, xii. 276; Williamson, History of the State of Maine, i. 392, 692; Suffolk Deeds, xxiv. 99; Boston Record Commissioners' Reports, xxviii. 20).

<sup>1</sup> York Court Records, iii. 251.

<sup>2</sup> *Ibid.* iii. 268.

<sup>3</sup> *Ibid.* iii. 320, 337.

<sup>4</sup> Williamson, History of the State of Maine, i. 556. Scottow's associates were Joseph Dudley, Richard Waldron, Edward Rishworth, John Wincoln and Samuel Wheelwright. See also York Court Records, 1 July, 1679, iii. 363, 371.

<sup>5</sup> Williamson, History of the State of Maine, i. 558, 565; Publications of this Society, i. 287 n.

<sup>6</sup> Williamson, History of the State of Maine, i. 593.

<sup>7</sup> York Court Records, iii. 383.

<sup>8</sup> *Ibid.* iv. 118.

<sup>9</sup> *Ibid.* iv. 157.

the trustee of Scarborough and Falmouth townships.<sup>1</sup> On the twenty-fifth of June, 1684, he was named on a commission "for the well ordering & repayres of Fort Loyall at Falmouth & to settle a Cheefe officer over the same."<sup>2</sup> From 1687 till 1693, as we have already seen, he was Judge of Probate for the County of York.<sup>3</sup>

Captain Scottow was active in public affairs, civil as well as military. He was appointed to administer oaths, to settle estates, and to act as overseer or adviser in many probate matters. He was also much involved in litigation, both as plaintiff and defendant, in cases relating to real estate, trespass, debt, replevin, and breach of forfeiture of bonds.<sup>4</sup> Williamson describes him as "a very generous and valuable man . . . of great public spirit, [who] did much towards defending Scarborough against the Indians."<sup>5</sup> On the breaking up of the settlements at the Eastward by the French and Indian War, Scottow returned to Boston where, in his old age, he wrote two well known tracts,<sup>6</sup> which enjoyed wide popularity at the time of their appearance. He died in Boston at the ripe age of eighty-three. Judge Sewall thus records his death and funeral:

[21 January, 1697-98.] It seems Capt. Scottow died the last night. Thus the New England Men drop away.

[22 January, 1697-98.] Capt. Joshua Scottow is buried in the old burying place; Bearers, Maj' Gen' Winthrop, Mr. Cook, Col. Hutchinson, Sewall, Sergeant, Walley: Extreame Cold. No Minister at Capt. Scottow's Funeral; nor wife nor daughter.<sup>7</sup>

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<sup>1</sup> Williamson, *History of the State of Maine*, i. 692.

<sup>2</sup> York Court Records, iv. 37; Williamson, *History of the State of Maine*, i. 572 n., 573 n.

<sup>3</sup> Williamson, *History of the State of Maine*, ii. 16; p. 371 and note 2, above.

<sup>4</sup> York Court Records, *passim*.

<sup>5</sup> *History of the State of Maine*, i. 392 note, 566 note.

<sup>6</sup> *Old Mens Tears for their own Declensions, etc.*, Boston, 1691; and *A Narrative of the planting of the Massachusetts Colony, Anno 1628, etc.*, Boston, 1694. The full titles of these and other tracts by Scottow are in Sabin, *Dictionary of Books relating to America*, xix. 159-161.

<sup>7</sup> *Diary*, i. 467. The absence of Scottow's minister, the Rev. Samuel Willard, was doubtless owing to illness, as well as to the "extreame cold," which prevented him from preaching in his own pulpit on the following Sunday, — the next day.

Scottow's grave-stone, discovered more than half a century ago in the tower of the Old South Meeting House in Washington Street, is now set in the outer wall of the Society's present Meeting House in Boylston Street.<sup>1</sup>

The text of Scottow's Petition follows.

To the Honorable Gov<sup>r</sup>, Deputy Gov<sup>r</sup>, Assistants, & Deputies of the  
Gnall Court now assembled at Boston,

The humble petition of Joshua Scottow

Humbly sheweth, whereas yo<sup>r</sup> petitioner vpon a Compl<sup>t</sup> exhibited to yo<sup>r</sup> Honord selves by Nic: Shapleigh,<sup>2</sup> Edw: Rishworth<sup>4</sup> & Sam: wheelwright<sup>5</sup> Aug<sup>r</sup> 9: 1676 was sumond to appeare at yo<sup>r</sup> Session 8<sup>ber</sup> following to answer therevnto, in obedience whereof he leaving both his publike & private concernes (which then were not small at Black-point)<sup>6</sup> appeared, wherevpon [at] a full hearing he was not onely cleared from y<sup>e</sup> losse of about one hundred pounds due to him from their county (where however artificially they carried matters) was the great crime they would have fastened vpon him, & the County by yo<sup>r</sup>selves judged to pay it to him, & whereas they had accumulated div<sup>se</sup> slanderous repches (some could they have bin made good no lesse

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<sup>1</sup> The inscription on the grave-stone and some account of its discovery in the Meeting House tower may be read in the New England Historical and Genealogical Register for 1851, v. 78.

There is a very brief notice of Scottow in Williamson's History of the State of Maine, i. 692, and another in 2 Collections of the Massachusetts Historical Society, iv. 100-104. See also Massachusetts Colony Records, iv. ii. 208, 209, 218, 517; Collections of the Maine Historical Society (Documentary History of Maine, Baxter Manuscripts), Second Series, iv., v., vi., *passim*.

<sup>2</sup> See Massachusetts Colony Records, v. 102.

<sup>3</sup> See Publications of this Society, v. 176 note 185; Williamson, History of the State of Maine, i. 693.

<sup>4</sup> See Publications of this Society, i. 275 and note, 276, 279, 283-286, 287 note, v. 177 note, 178 note, 182, 183 note, 185; Williamson, History of the State of Maine, i. 691.

<sup>5</sup> Col. Samuel Wheelwright was a son of the Rev. John Wheelwright and occupied many positions of trust and honor in the Colony of the Bay and in the Province of Maine. He died 13 May, 1700. See Publications of this Society, i. 277 note, 280, 282, 283, 285, 287 and note, 288, 290, 292, 293, 302, v. 184, viii. 128, 129; Williamson, History of the State of Maine, ii. 76.

<sup>6</sup> Black Point was a part of Scarborough, Maine, where Scottow's Hill perpetuates the name and memory of one of her most serviceable and public spirited, although at times much abused, citizens.

y<sup>e</sup> capitall) <sup>1</sup> sending forth Sumons to all y<sup>e</sup> could witnes against him to save the County so much mony, all which vpon a full hearing were made evident & by yo<sup>r</sup>selves declared false, & for aught then appeared the complaint was judged vnjust, & that he had faithfully discharged his trust, & they were cast to pay him costs & damage as by the judgem<sup>t</sup> of said Court 11 : 8<sup>ber</sup> 76 fully doth appeare,<sup>2</sup> y<sup>e</sup> Costs by yo<sup>r</sup>selves then determind & was by them all jointly paid, his damage not being then determinable arising from his being drawne from his garrison at y<sup>e</sup> time to answer their vnjust compl<sup>t</sup> since appearing to be above 200<sup>l</sup> as by Acc<sup>t</sup> sworne in Court doth appeare, y<sup>e</sup> enemy at y<sup>e</sup> juncto of time demanding his garrison & was delivered vpon articlesn, of enie one carrying of w<sup>t</sup> they had vpon y<sup>e</sup> place except amunicōn & was duly kept,<sup>3</sup> where had your petitioner bin he hopeth thorough grace he should have p<sup>r</sup>vented it, as afterward not half of

<sup>1</sup> The allusion is probably to the massacre by the Indians, in the autumn of 1675, of Robert Nichols and his wife at their house on the upper part of Blue Point, near Dunstan, in Scarborough, and the brothers Andrew and Arthur Alger at their garrison-house near the Landing, which was at some distance from the two principal settlements at Black Point and Blue Point. It was charged that Scottow refused to send for the protection of the Dunstan planters any of the soldiers who had been sent by the Massachusetts Government for the defence of the settlements at Scarborough and placed under his command. From this charge, as we shall presently see (in the next note), he was acquitted by the General Court. Subsequently, he was maliciously charged with the murder of his fellow-townsmen Nathan Bedford, the keeper of the first ordinary in Scarborough, who came to his death by drowning, as appears by the verdict of the Coroner's jury rendered 24 August, 1681, which was further inquired into by the Court of Sessions, 27 September, and accepted by it, 30 May, 1682, an entry in the margin of the record reading "Scottow Cleared" (Southgate, *History of Scarborough*, in *Collections of the Maine Historical Society*, 1853, iii. 78-80, 104-106, 125 ; *York Court Records*, iv. 104, 113, 232). See also Savage, *Genealogical Dictionary of New England*, i. 152.

<sup>2</sup> The Court's decision was as follows :

This Court, having heard the complaint of Mr Rishworth exhibbeted against Capitaine Scottow for improoving the country's souldjers on his oune particcular occasions, & neglecting the service of the country, & thereby endeavoring to put the charge of these souldjers vpon Capt Scottow, vppon a full hearing of both partjes, see no reason for the aforesajd complaint, and doe judge, that the sajd Capt Scottow (for ought doth appeare) hath faithfully discharged his trust, and is therefore acquitted from the chardge endeavoured to be put on him, but that the same be borne by the county [of York], and that Mr Rushworth doe pay Capt Scottow his costs & damage. The Court granted & determined the costs to be nine pounds thirteen shillings & eight pence (*Massachusetts Colony Records*, v. 121). See also *Ibid.* v. 129, 182.

<sup>3</sup> The surrender of Black Point occurred 14 October, 1676. It is described by Williamson, *History of the State of Maine*, i. 540, 541.

the strength vpon y<sup>r</sup> place kept it against double the assailants,<sup>1</sup> & should have hindred the delivery vp of a bar<sup>l</sup> of powder & other amunicōn to y<sup>e</sup> enemy who marched vp therewith & murderd diu'se at wells & other places, but suppose yo<sup>r</sup> petitioner should have proved worse y<sup>n</sup> they rendred him soe as not to secure his owne house & estate, yet he might & would have saved the above soe<sup>2</sup> w<sup>ch</sup> was plunderd & carried of by y<sup>e</sup> English, wherein he is really so much dāmad, besides the 100<sup>l</sup> above due from y<sup>e</sup> County who now are soe impoverishd as not able to pay it, not reckoning vp about fourty pounds it cost him to repossesse his house & diu'se hundred in the devastaōn the enemy was hereby incouraged to make for recōbie of w<sup>ch</sup> dāmage yo<sup>r</sup> petitioner attached s<sup>d</sup> wheelwright, & sumōnd the other two to appeare at Boston County Court 27. Jan<sup>y</sup> last to answer his compl<sup>t</sup> in an action of y<sup>e</sup> Case for dāmage vpon the compl<sup>t</sup> above to yo'selves exhibited, proving all y<sup>r</sup> abovementioned dāmage where s<sup>d</sup> wheelwright joined issue, & brought for his defence the worst of all y<sup>e</sup> oaths he could pick out of the G<sup>n</sup>all Court records w<sup>ch</sup> yo<sup>r</sup> petitioner had to yo'selves pved false being vindicated from y<sup>m</sup> all, but they were there admitted as good plea ag<sup>t</sup> him, whereas yo<sup>r</sup> petitioner did not expect that to be legall pf ag<sup>t</sup> him from w<sup>ch</sup> he was cleared by yo'selves but found it otherwise, though he pleaded himself acquitted by y<sup>e</sup> g<sup>n</sup>all issue of yo<sup>r</sup> Courts judgem<sup>t</sup> abovementioned, nor did he see a liberty to subject the judgem<sup>t</sup> of his Ma<sup>tie</sup> highest Court of Judicature to an inferio<sup>r</sup> power, nothing by him was y<sup>n</sup> pleaded but w<sup>t</sup> yo'selves had rejected viz: that w<sup>t</sup> they did was by vertu of a power from yo'selves, w<sup>ch</sup> you had condemned in their violating a trust of auditing his Acc<sup>ts</sup> & in p<sup>t</sup>ence thereof to combine to vndoe him both in name & estate by false charges, no new thing could they lay to his charge though no small & indefatigable labour was vsed to effect it, but a false oath or two pduced to prove a former alligaōn, w<sup>ch</sup> as yo<sup>r</sup> petitioner in open Court declared them soe to be, for he is resolvd in due time & place & is p<sup>p</sup>ed to psecute the concerned as pjured.<sup>3</sup> Notw<sup>th</sup>standing all yo<sup>r</sup> petitioner was cast both at County & Court of Assist<sup>t</sup> where y<sup>e</sup> fforeman of y<sup>e</sup> Jury before he gave

<sup>1</sup> The second attack on Scottow's garrison, which was repulsed, was made 16 May, 1677, when Mugg, the powerful Indian chief, was slain (*Ibid.* i. 549, 550).

<sup>2</sup> Cancelled in the original.

<sup>3</sup> In the Suffolk Court Files (xxi. 106-115, no. 1828: 18) is a deposition by Thomas Cousens, aged about thirty years, sworn to 16 January, 1679-80, before Samuel Wheelwright, Commissioner, which was used in this case. It reflects severely upon Scottow's management of the forces at Black Point

in his verdict declared openly to y<sup>e</sup> Country, that they were sensible yo<sup>r</sup> petitioner was highly damnified both in name & estate, yet as things were stated they could doe no other y<sup>n</sup> find against him.<sup>1</sup>

The p<sup>r</sup>misses by yo<sup>r</sup> Honours being duely considered.

Yo<sup>r</sup> Petitioner doth not onely hope but humbly craveth that yo<sup>r</sup> Hono<sup>r</sup> will please to appoint time i. e. at y<sup>e</sup> next Sessions of this Court to giue him a further hearing in a Case w<sup>ch</sup> originally rose from yo<sup>r</sup>selves, soe as the great & evid<sup>t</sup> damage he hath sustained may be determind to a finall issue without further charge & trouble, & may tend not onely to y<sup>e</sup> further clearing of his i<sup>n</sup>nocency, but that due satisfaction & repa<sup>n</sup> may be made to his estate by those who have damnified him therein, as he doubts not fully to make appeare, which will further oblige him to pray for the Continuation of yo<sup>r</sup> Honours happy & peaceable Governm<sup>t</sup>

As in all duty he is bound.  
& remaine.

Yo<sup>r</sup> Obliged & humble Serv<sup>t</sup>  
JOSEPH SCOTTOW

In Answer to this petition wee cannot thinke it Expedient or Lawfull to graunt an hearing to y<sup>e</sup> petition<sup>r</sup> since y<sup>e</sup> petition<sup>r</sup> and parties concerned are now by late transactions put vnd<sup>r</sup> a distinct governm<sup>t</sup> vpon y<sup>e</sup> place viz in y<sup>e</sup> prouince of Main to w<sup>ch</sup> Authority if he be vnder any Sufferinge he ought to aply him self, Wee Supposeing it to be inconuenient & vnsalf for this Court to commaund any from thence

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during the Indian troubles and probably furnished the occasion for the legal proceedings which he instituted in the Provincial Courts immediately on his return home after the General Court had refused (11 June, 1680) the hearing requested in the petition in our text. The York Court Records (iv. 76) under date of 30 June, 1680, show action "upon Complaynts exhibited by Capt. Josua Scottow against Thomas Cussons upon suspition of periury;" and under date of 6 April, 1681, the case is "transmitted unto the next Generall Assembly houlden for this province" (iv. 87).

<sup>1</sup> The Boston Athenæum has long had in its possession the original manuscript folio volume of some seven hundred pages which contains the Records of the County Court at Boston covering the decade 1671-1680. These Records are now being printed by the Registry Department of the City of Boston. The following entry records the decision of the Court in the case of Scottow against Shapleigh et al.:

At a County Court held at Boston  
27<sup>th</sup> January A<sup>o</sup> 1679. @

Capt<sup>m</sup> Joshua Scottow of Boston. plaint. cont<sup>a</sup> m. Nicholas Shapleigh of Kittery, m<sup>r</sup>. Edw<sup>d</sup> Rishworth of Yorke, m<sup>r</sup>. Samuel Wheelwright of Wells or any of them. Defend<sup>t</sup> in an acco<sup>n</sup>. of the case of defamation. for Slaun-

to be iudged or heard here till we are better informd of their manner of Settleme<sup>t</sup> and obligation to attend these Courts.<sup>1</sup>

The Deputyes approue of  
the return of y<sup>e</sup> committee  
in answer to y<sup>e</sup> pet or hono<sup>r</sup><sup>d</sup>  
magists hereto Consenting  
WILLIAM TORREY *Cleric.*

NATH: SALTONSTALL <sup>2</sup>  
JAMES RUSSELL  
THO BRATTLE  
SAMUELL APPLETON  
JOHN WAYTE

[On margin]

Consented to by y<sup>e</sup> Magis<sup>t</sup>  
EDWARD RAWSON *Secret*

[Filed]

Capt Scottow<sup>s</sup> peticon &c  
Entred w<sup>th</sup> y<sup>e</sup> magis<sup>tr</sup>  
& x<sup>i</sup>. payd <sup>3</sup>

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dering the plaint. by divers false charges of falsifying his trust drawn up against him under pretence of reasons Signed by them all contained in a writing and exhibited to the Hon<sup>d</sup> Gen<sup>l</sup> Court upon the 9<sup>th</sup> of august 1676. and managed against the s<sup>d</sup> plaint. by the s<sup>d</sup> Rishworth before the s<sup>d</sup> Court at their Session on the 11<sup>th</sup> of Octob<sup>r</sup>. 1676. as by the s<sup>d</sup> writings more fully doth appeare w<sup>ch</sup> hath been to the plaint<sup>s</sup> very great damage with all other due damages; m<sup>r</sup>. Samuel Whelewright appeared as Defen<sup>d</sup>. The Attachm<sup>t</sup> and Evidences in the case produced being read & comitted to the Jury w<sup>ch</sup> are on file. The Jury brought in their verdict they found for the Defen<sup>d</sup> costs of Court. The plaint. appealed from this Judgem<sup>t</sup>. unto the next Court of Assistants and put in security for prosecution thereof to Effect (Records of the County Court at Boston, 1671-1680, p. 622).

The decision of the Court of Assistants follows:

Att A Court of Assistants held at Boston 2d day of march 1679.

Joshua Scottow plaintiff ag<sup>t</sup> Samuel whelewright defend<sup>t</sup> in an Annon of Appeal from the Judgment of the County Court in Boston After the Attachment Courts Judge

<sup>1</sup> The official record of this decision, under date of 11 June, 1680, is in the following words:

In ans<sup>r</sup> to the petition of Capt Joshua Scottow, the Court judgeth it not convenient to grant the petitioner a hearing, since the peticoner & the partjes concerned are now, by late transactions, put vnder a distinct government vpon the place, i. e., the Prouince of Mayne, to which authority, if he be vnder any sufferings, he ought to apply himself, it being inconvenient & vnsafe for this Court to comand any thenc to be judged here (Massachusetts Colony Records, v. 282). See York Court Records, iv. 31.

<sup>2</sup> The names of Messrs. Saltonstall, Russell, Brattle, Appleton, Wayte, Torrey, and Rawson, appended to this document, are autograph signatures. The Petition, which is not dated, is wholly in Scottow's handwriting; the decision of the Court is in another hand.

<sup>3</sup> In the original there are here two or three words, which cannot be deciphered, in the hand of Edward Rawson.



It is to be regretted that more is not known of the history and personnel of the Court of Vice-Admiralty. Douglass,<sup>1</sup> Washburn,<sup>2</sup> and Noble<sup>3</sup> have written upon the subject, but their accounts are meagre. Douglass says:

The Charter reserves to the Crown, the Exercise of any Admiral Court or Jurisdiction, by Commissions to be issued under the great Seal of *Great Britain*, or under the Seal of the High Admiral, or of the Commissioners for executing the Office of High Admiral. This Court of Vice-Admiralty consists of a *Judge*, a King's *Advocate*, a *Register*, and a *Marshal*. A sole Judge, without a Jury, in Cases of high Consequence; and this Judge too frequently appointed at Random, seems to be an Error in the Constitution: It is true, there may be an Appeal to a Court of Delegates in *Great Britain*.

Washburn writes:

No court of this kind was created in the Province until 1694, and in the meantime the Governor, Phipps, exercised whatever admiralty jurisdiction there was. Upon a representation to the King in regard to the manner in which the Governor performed this part of his duties, a court of Vice Admiralty was created, consisting of one Judge, a King's Advocate, a Register and a Marshal (p. 172).

A court of admiralty was early organized, and at first embraced New York, Connecticut, Rhode Island, Massachusetts and New Hampshire, which, together, constituted one district. The judge of this district appointed his deputies for particular portions of the territory, and in 1699 Colonel Byfield was made a deputy judge of this court (pp. 178, 179).

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ment reasons of Appeale & evidences in the Case produced were read Comitted to the Jury & are on file with the records of this Court the Jury brought in their virdict they found for the deffendant Confirmation of the form<sup>r</sup> Judgment & Costs of Courts five pounds fueteen shilling<sup>r</sup> & ten pence (Records of the Court of Assistants of the Colony of the Massachusetts Bay, 1901, i. 152).

The Suffolk Court Files contain twenty-five papers connected with this case. These include the attachment of Wheelwright, Scottow's account, his declaration and reasons of appeal, Wheelwright's answers to both, an order of the General Court and a petition to it, certificates, declarations, depositions, and bill of costs (xix. 70, no. 1641; xxi. 106-115, no. 1828; mecxii. 9, no. 162, 190).

<sup>1</sup> W. Douglass, *Summary* (1749), i. 483-485.

<sup>2</sup> E. Washburn, *Sketches of the Judicial History of Massachusetts* (1840), pp 172-186.

<sup>3</sup> J. Noble, in *Publications of this Society*, viii. 150-185.

If the court was created as early as 1694, it was long before a Judge was appointed to preside in it. In the autumn of 1696 Lieutenant-Governor Stoughton wrote a letter to the Lords of the Privy Council in which he says :

There being no Judge of the Admiralty appointed & Comissionated within the same [this Government] I have been prevailed with upon due prooffe made to declare them Prizes . . . It seems highly necessary That there be a Judge of y<sup>e</sup> admiralty Comissioned for this his ma<sup>ty</sup> Province.<sup>1</sup>

Both Douglass and Washburn assign to Wait Winthrop the honor of having been the first Judge of this Court, Douglass (I. 483) stating that he was appointed 22 May, 1699, and Washburn (p. 176) adding that "Judge Byfield had been made Deputy Judge as early as June, 1699." The following extracts from the correspondence of Wait Winthrop<sup>2</sup> and from Sewall's Diary, however, prove conclusively that he was not the first incumbent of this office, that his appointment to the Bench was of an earlier date, and that Washburn's statement respecting Byfield is inaccurate.

SIR HENRY ASHURST TO WAIT WINTHROP.

LOND., th 15 Octo. 98.

Tho I have had no leter since my two last to you, yet I must neuer omitt and oppertunity of paying my respects to you, being I realy honer you for yo<sup>r</sup> inflexible fidelity to the best interest of yo<sup>r</sup> countray in all times, and euer since I had an acco. from you that Byfield was by comition made Judg of the Admiralty, w<sup>ch</sup> was priuatly done by a party that are neither frinds to yo<sup>r</sup> religious or ciuil interest, I was amazed at itt, and haue presented you heer; and Mr. Cooke being ordered by a great minister to name two persons out of w<sup>ch</sup> they would choos one, so I hope hee will not be long liued in that post (p. 42).

SIR HENRY ASHURST TO WAIT WINTHROP.

May th 5, 1699.

I haue yo's of 25 July w<sup>ch</sup> lost itt's conuayance with that w<sup>ch</sup> couered itt of the 4<sup>th</sup> of Feb., and I thanke you for itt. I haue considred itt's

<sup>1</sup> Province Laws, vii. 514, 515.

<sup>2</sup> Printed in 6 Massachusetts Historical Collections, volume v., which constitutes Part VI. of the Winthrop Papers. In the Preface to this volume (pp. xiii.-xxi.) will be found an interesting sketch of Wait Winthrop.

contents, and doe assure you I haue bin laboring to the utmost of my power to get Byfeild's place for you, and I haue now atained itt to my great satisfaction, and yo' comition is a drawing; and I am glad I had an oppertunity to serue so good a man (p. 43).

SIR HENRY ASHURST TO WAIT WINTHROP.

LOND., th 6 June, 99.

I haue <sup>¶</sup> this sent yo' comition<sup>1</sup> under the great seale to bee Judge of the Admiralty (p. 43).

That Byfield's tenure of this office was brief is shown by the following entry in Sewall's Diary, taken in connection with the date (20 May, 1700) on which Winthrop succeeded him. Indeed, Byfield had been superseded in England before he assumed the office here, so slow were the means of communication at that time.

Friday, June 9, 1699. Capt. Natha. Byfield is sworn Judge of the Admiralty, Capt. Lawrence Hamond Register, Franklin, Marshal. This done before the Gov<sup>r</sup> and Council (i. 498).

WAIT WINTHROP TO SIR HENRY ASHURST.

[Boston, August or September, 1699.]

I must now . . . return you thanks for your kind letter, and for the grate care and paines you haue bin taking for me. I know not but you haue don better servis for the people here in geting the other removed then in procuring me in his room, which might haue bin filled up by one more capable for such an employ; however, I am no less obliged for your grate favour and respect to me, and . . . since by your kind recomēdation I may be thought fit, I shall with the like duty endeavour to serue his Maj<sup>ty</sup> in that station as I haue hitherto don in others (p. 49).

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<sup>1</sup> The commission enclosed in this letter is engrossed on parchment with an engraved heading in which are depicted a crowned lion rampant, an eagle, a serpent, and various birds, *etc.*; and in the upper left-hand corner is a portrait of William III. It is of considerable length, and is wholly in Latin. The jurisdiction of the court extended over the Colonies of Massachusetts Bay, New York, and New Hampshire. The Commission is dated 2 May, 1699. On the back of it is an entry by the Register of the Admiralty Office in New York.

It thus appears that Colonel Nathaniel Byfield<sup>1</sup> was the first known incumbent of the office of Judge of the Court of Vice-Admiralty, and that he was quickly ousted through the efforts and influence at Court of Sir Henry Ashurst. That Byfield actively endeavored to recover his lost honors is evident from the following passage.

SIR HENRY ASHURST TO WAIT WINTHROP

LOND. th 25 Ap. 700.

I hope you need not fear M<sup>r</sup> Byfeild's threats, and that you may continue in yo<sup>r</sup> place. I am sure I will doe my utmost that itt shall bee so (p. 60).

Although Byfield did not at once accomplish his purpose, Dudley and his friends secured the removal of Winthrop the following year, 1701.

SIR HENRY ASHURST TO WAIT WINTHROP.

KENSINGTON, th 5 of May, 701.

I heer you haue lost y<sup>or</sup> laite Gouvernor my Lord Belamount and y<sup>r</sup> friend M<sup>r</sup> D[udley] is makeing interest to be Gouverner. M<sup>r</sup> Bl[athwayt]. hath got one Atwood that my Lord Belamount desired might bee Cheife Justice of New Yorke to bee Judge Auocate in yo<sup>r</sup> place while I was in the countray.<sup>2</sup> But I sopos I shall er long get you in the same post againe (p. 84).

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<sup>1</sup> Washburn draws the character of Byfield in a manner far from flattering. He was long the friend and supporter of Joseph Dudley, who endeavored to have him appointed Lieutenant-Governor at the time he (Dudley) was made Governor of the Province. By false accusations against Wait Winthrop, who had been proposed by Sir Henry Ashurst, Dudley had prevented his appointment to this office; but he failed to secure it for Byfield. Thomas Povey was appointed 11 April, 1702 (Sketches of the Judicial History of Massachusetts, pp. 178-183; 6 Massachusetts Historical Collections, v. 109, 110; Whitmore, Massachusetts Civil List, p. 44). See also Publications of this Society, iii. 76, vi. 267 note, 269 note; Savage, Genealogical Dictionary of New England, i. 325, 326; F. Baylies, Historical Memoir of the Colony of New Plymouth, ii. part iv. pp. 53-57, which contains a sketch of Byfield.

<sup>2</sup> William Atwood was appointed Chief-Justice of New York in June, 1700. He was a violent partizan, and was finally arrested, but made his escape. See New York Colonial Documents, vol. iv. *passim*.

That the change was not unwelcome to Winthrop is evident from the following letter.

WAIT WINTHROP TO WILLIAM ATWOOD.

Boston, August 11<sup>th</sup>, 1701.

S<sup>r</sup>, — Yours came not to hand until it was too late to return an answere by the last post, but I must now tell you I am extreemly well sattisfied his Maj<sup>ty</sup> has bin pleased to appoint a person of such ability and worth as your caracter bespeaks you to succeed in those places you mention, and wish you may find more proffitt then I haue done, hauing never bin reimbursed halfe the charge I haue bin unavoydably put upon; besides the comisson which was sent me from England without my knowledg or expectation. We haue no cause depending in the Court of Admiralty either here or at New Hampshire at present that I know of, but if any such should happen I know you will excuse me if I neglect not my duty to his Maj<sup>ty</sup> in proceeding according to my comission, untill an other be exhibited to the Gover<sup>mt</sup> here that may supercede it; which I mention, not for any benefitt like to accrew, but rather to excite you to giue us the happiness of your company here the sooner, where you may expect all the friendship and respect I am capable to serue you in, who am also a lover of justice and the true Protestant interest, and am, S<sup>r</sup>,

Your very humble servant, W. W. (p. 97).

According to Douglass (I. 484, 485), Atwood was succeeded by Roger Mompesson in April, 1703, and he, in turn, by Nathaniel Byfield in December following. John Menzeis was appointed in 1715, and after his death on the twentieth of September, 1728, Byfield, for the third time, took his seat on the Bench, holding it till the appointment of the elder Robert Auchmuty in 1733.

Byfield joined the Ancient and Honorable Artillery in 1679,<sup>1</sup> sat for Boston in the General Court in 1696, 1697, and 1698, and was Speaker of the House in the last named year.<sup>2</sup> He was long a member of the Executive Council, and enjoyed the offices of Commissioner for Farming the Excise<sup>3</sup> and Judge of Probate in

<sup>1</sup> O. A. Roberts, *History of the Ancient and Honorable Artillery Company*, i. 253, 254.

<sup>2</sup> *Province Laws*, vii. 104, 148, 164, 180.

<sup>3</sup> *Ibid.* vii. 164, 568, 595; Whitmore, *Massachusetts Civil List*, p. 125.

Scottow's grave-stone, discovered more than half a century ago in the tower of the Old South Meeting House in Washington Street, is now set in the outer wall of the Society's present Meeting House in Boylston Street.<sup>1</sup>

The text of Scottow's Petition follows.

To the Honorable Gov<sup>r</sup>, Deputy Gov<sup>r</sup>, Assistants, & Deputies of the  
Gnall Court now assembled at Boston,

The humble petition of Joshua Scottow

Humbly sheweth, whereas yo<sup>r</sup> petitioner vpon a Compl<sup>t</sup> exhibited to yo<sup>r</sup> Honord selves by Nic: Shapleigh,<sup>2</sup> Edw: Rishworth<sup>3</sup> & Sam: wheelwright<sup>4</sup> Aug<sup>r</sup> 9: 1676 was sumond to appeare at yo<sup>r</sup> Session 8<sup>ber</sup> following to answer therevnto, in obedience whereof he leaving both his publike & private concernes (which then were not small at Black-point)<sup>5</sup> appeared, wherevpon [at] a full hearing he was not onely cleared from y<sup>e</sup> losse of about one hundred pounds due to him from their county (where however artificially they carried matters) was the great crime they would have fastened vpon him, & the County by yo<sup>r</sup>selves judged to pay it to him, & whereas they had accumulated div<sup>se</sup> slanderous repches (some could they have bin made good no lesse

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<sup>1</sup> The inscription on the grave-stone and some account of its discovery in the Meeting House tower may be read in the New England Historical and Genealogical Register for 1851, v. 78.

There is a very brief notice of Scottow in Williamson's History of the State of Maine, i. 692, and another in 2 Collections of the Massachusetts Historical Society, iv. 100-104. See also Massachusetts Colony Records, iv. ii. 208, 209, 218, 517; Collections of the Maine Historical Society (Documentary History of Maine, Baxter Manuscripts), Second Series, iv., v., vi., *passim*.

<sup>2</sup> See Massachusetts Colony Records, v. 102.

<sup>3</sup> See Publications of this Society, v. 176 note 185; Williamson, History of the State of Maine, i. 693.

<sup>4</sup> See Publications of this Society, i. 275 and note, 276, 279, 283-286, 287 note, v. 177 note, 178 note, 182, 183 note, 185; Williamson, History of the State of Maine, i. 691.

<sup>5</sup> Col. Samuel Wheelwright was a son of the Rev. John Wheelwright and occupied many positions of trust and honor in the Colony of the Bay and in the Province of Maine. He died 13 May, 1700. See Publications of this Society, i. 277 note, 280, 282, 283, 285, 287 and note, 288, 290, 292, 293, 302, v. 184, viii. 128, 129; Williamson, History of the State of Maine, ii. 76.

<sup>6</sup> Black Point was a part of Scarborough, Maine, where Scottow's Hill perpetuates the name and memory of one of her most serviceable and public spirited, although at times much abused, citizens.

y<sup>e</sup> capitall)<sup>1</sup> sending forth Summons to all y<sup>e</sup> could witnes against him to save the County so much mony, all which vpon a full hearing were made evident & by yo<sup>r</sup>selves declared false, & for aught then appeared the complaint was judged vnjust, & that he had faithfully discharged his trust, & they were cast to pay him costs & damage as by the judgem<sup>t</sup> of said Court 11 : 8<sup>ber</sup> 76 fully doth appeare,<sup>2</sup> y<sup>e</sup> Costs by yo<sup>r</sup>selves then determined & was by them all jointly paid, his damage not being then determinable arising from his being drawne from his garrison at y<sup>e</sup> time to answer their vnjust compl<sup>t</sup> since appearing to be above 200<sup>l</sup> as by Acc<sup>o</sup> sworne in Court doth appeare, y<sup>e</sup> enemy at y<sup>e</sup> juncto of time demanding his garrison & was delivered vpon articlesn, of enie one carrying of w<sup>t</sup> they had vpon y<sup>e</sup> place except amunicōn & was duly kept,<sup>3</sup> where had your petitioner bin he hopeth thorough grace he should have p<sup>r</sup>vented it, as afterward not half of

<sup>1</sup> The allusion is probably to the massacre by the Indians, in the autumn of 1675, of Robert Nichols and his wife at their house on the upper part of Blue Point, near Dunstan, in Scarborough, and the brothers Andrew and Arthur Alger at their garrison-house near the Landing, which was at some distance from the two principal settlements at Black Point and Blue Point. It was charged that Scottow refused to send for the protection of the Dunstan planters any of the soldiers who had been sent by the Massachusetts Government for the defence of the settlements at Scarborough and placed under his command. From this charge, as we shall presently see (in the next note), he was acquitted by the General Court. Subsequently, he was maliciously charged with the murder of his fellow-townsmen Nathan Bedford, the keeper of the first ordinary in Scarborough, who came to his death by drowning, as appears by the verdict of the Coroner's jury rendered 24 August, 1681, which was further inquired into by the Court of Sessions, 27 September, and accepted by it, 30 May, 1682, an entry in the margin of the record reading "Scottow Cleared" (Southgate, *History of Scarborough*, in *Collections of the Maine Historical Society*, 1853, iii. 78-80, 104-106, 125; *York Court Records*, iv. 104, 113, 232). See also Savage, *Genealogical Dictionary of New England*, i. 152.

<sup>2</sup> The Court's decision was as follows :

This Court, having heard the complaint of M<sup>r</sup> Rishworth exhibbeted against Capitaine Scottow for improoving the country's souldjers on his oune particcular occasions, & neglecting the service of the country, & thereby endeavoring to put the charge of these souldjers vpon Capt Scottow, vpon a full hearing of both partjes, see no reason for the aforesajd complaint, and doe judge, that the sajd Capt Scottow (for ought doth appeare) hath faithfully discharged his trust, and is therefore acquitted from the chardge endeavoured to be put on him, but that the same be borne by the county [of York], and that M<sup>r</sup> Rushworth doe pay Capt Scottow his costs & damage. The Court granted & determined the costs to be nine pounds thirteen shillings & eight pence (*Massachusetts Colony Records*, v. 121). See also *Ibid.* v. 129, 182.

<sup>3</sup> The surrender of Black Point occurred 14 October, 1676. It is described by Williamson, *History of the State of Maine*, i. 540, 541.

and all his Adherents, and in Case his Maj<sup>ty</sup> comes to any Violent, or Vntimely death (which God forbidd,) I doe hereby further, freely and Vnanimously obleidge my Selfe, to Vnite, Associate and stand by each other in revengeing the same vpon his Enemyes, and their Adherents, and in Supporting and defending the Successors of the Crown, according to an Act made in the first year of the Reign of King W<sup>m</sup> & Queen Mary, Entituled an Act, declareing the Right and Liberties of the Subjects and Settling the Succession of the Crown.

Jurat: before the L <sup>d</sup> Govern <sup>r</sup> & Councill the 20 <sup>th</sup> of May 1700: }	JAMES DAVIS <sup>1</sup>	
	TIMOTHY HILLYARD <sup>2</sup>	WAIT WINTHROP JAMES BLACKDON <sup>3</sup>
	Jurat 7 <sup>th</sup> Apr <sup>l</sup> 1701	W <sup>m</sup> VAUGHAN <sup>4</sup>
	as a Councillor	

[Filed]

WATE WINTHROPP  
Esq<sup>r</sup> Judge of  
the Admiraltye  
Oaths  
20<sup>th</sup> May 1700

The Hon. HERBERT PARKER of Lancaster and Mr. FRANCIS RANDALL APPLETON of Ipswich were elected Resident Members.

The name of Mr. FRANKLIN CARTER was transferred from the Roll of Resident Members to that of Corresponding

<sup>1</sup> James Davis, and others, subscribed a similar Oath, Declaration and Association in Boston 27 May, 1702 (1 Proceedings of the Massachusetts Historical Society, iv. 256, 257).

<sup>2</sup> Timothy Hilliard was of Hampton and Dover, New Hampshire. See *Ibid.* xvi. 265; New England Historical and Genealogical Register, xxvii. 364-367; Collections of the Dover (New Hampshire) Historical Society, i. 115.

<sup>3</sup> There was a family of Blackden in Rochester, Dover, and Durham, New Hampshire (New England Historical and Genealogical Register, xxix. 265, 267, xxxiii. 347).

<sup>4</sup> Major William Vaughan of Dover and Portsmouth, New Hampshire, was a member of the Executive Council of that Province and later Chief-Justice of its Superior Court, 1708-1716. He died 12 November, 1719. See Savage, Genealogical Dictionary of New England, iv. 368; New England Historical and Genealogical Register, v. 245; Sewall's Diary, i. 312; Sewall's Letter Book, ii. 9; 1 Proceedings of the Massachusetts Historical Society, xiv. 124 *note*, 126 *note*, 140, xvi. 257, 262, 264, 266, 275, xvii. 106, 107 and *note*, 226, 228; Bell, Bench and Bar of New Hampshire (1894), pp. 10, 11.



Members, since he has removed his permanent residence from Massachusetts to New Haven, Connecticut.

Mr. EDES communicated a Memoir of Mr. ROBERT CHARLES WINTHROP, Jr., a benefactor of this Society, which he had been requested to prepare for publication in the Transactions.

MEMOIR  
OF  
ROBERT CHARLES WINTHROP, JR., A. M.

BY  
HENRY HERBERT EDES.

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ROBERT CHARLES WINTHROP, the younger of that name, was born in his father's house, No. 7 Tremont Place, Boston, on the seventh of December, 1834, the elder son of Robert Charles and Eliza Cabot (Blanchard) Winthrop. Descended from forebears who for many generations had occupied a distinguished place in society and in all branches of the public service, he never forgot the admonition of Young:

They that on glorious ancestors enlarge  
Produce their debt, instead of their discharge.

Neither should his biographer fail to remember that "no man is wholly accounted for, or known as well as he can be, who is studied apart from the genealogical tree on which he grew."

The line of Mr. Winthrop's descent from ADAM WINTHROP, of Lavenham, in the county of Suffolk, England, who was living in 1498, was through ADAM (1498-1562), of Groton Manor, Suffolk, Master of the Clothworkers Company of London; ADAM (1548-1623), of Groton Manor, a lawyer and county magistrate; JOHN (1587-1649), of Groton Manor, afterward Governor of the Colony of the Massachusetts Bay and the founder of Boston in New England; JOHN, JR. (1605-1676), of Groton Manor, afterward of Ipswich, Massachusetts, and New London, Connecticut, Fellow of the Royal Society of London and Governor of the Colony of Con-



Robert C. Winthrop Jr



necticut; WAIT STILL (1642-1717), of Boston, Commissioner of the United Colonies of New England, Major-General of the Colony, and Executive Councillor and Chief-Justice of the Province of the Massachusetts Bay; JOHN (1681-1747), of Boston, afterward of New London, Connecticut, a graduate of Harvard College in the Class of 1700, Fellow of the Royal Society, and the plaintiff in the *cause célèbre* of Winthrop v. Lechmere, which was an appeal to the Privy Council from the decision of the Connecticut Courts involving the English law of primogeniture; JOHN STILL (1720-1776), of Boston, afterward of New London, Connecticut, a graduate of Yale College in the Class of 1737; THOMAS LINDALL, LL.D. (1760-1841), of New London and later of Boston, a graduate of Harvard in the Class of 1780 and an Overseer of the College (1828-1841), member of the American Philosophical Society, Treasurer of the American Academy of Arts and Sciences, President of the Massachusetts Historical Society and of the American Antiquarian Society, Fellow of the Royal Society of Northern Antiquaries and of other learned bodies in Europe, and from 1826 till 1833 Lieutenant-Governor of Massachusetts; and ROBERT CHARLES, LL.D. (1809-1894), of Boston, a graduate of Harvard in the Class of 1828, President of the Alumni Association, and an Overseer of the College (1852-1856), in the Corporation of which he had twice refused a seat, member of the American Philosophical Society, American Academy of Arts and Sciences, Society of Antiquaries of London, and other learned societies abroad, President of the Massachusetts Historical Society, Speaker of the Massachusetts House of Representatives and of the Thirtieth Congress, and a Senator of the United States from Massachusetts, succeeding Daniel Webster.

Mr. Winthrop's mother was born in Boston on the twenty-seventh of May, 1809. She was the daughter of Francis Blanchard, Esquire, of Wenham, Massachusetts, and later of Boston. A graduate of Harvard in the remarkable Class of 1802, Mr. Blanchard studied law with Judge Charles Jackson and became his law partner before Jackson's appointment to the Bench of the Supreme Judicial Court in 1813, the year in which Mr. Blanchard died, on the twenty-sixth of June. On the twenty-ninth of August, 1808, he had married his second cousin, Mary Ann Cabot, daughter of Francis and Ann (Clarke) Cabot and widow of Nathaniel Cabot

Lee of Salem. Mrs. Blanchard died on the twenty-fifth of July, 1809, soon after the birth of her daughter, who, in November, 1814, was taken into the family of her father's uncle, Samuel Pickering Gardner, where she remained until her marriage to Robert Charles Winthrop on the twelfth of March, 1832. She died on the fourteenth of June, 1842, leaving three children, of whom the eldest is the subject of this memoir.

More might be said of those distinguished ancestors of Mr. Winthrop who bore the names of Dudley, Bowdoin, and Temple, to name no others, but enough has already been told to show the environment in which he was born and bred and to account for his inheritance of abilities of a high order.

Owing to the early death of his mother and the absence of his father in Washington in the public service, much of Mr. Winthrop's boyhood was spent with his kinsfolk in Salem and elsewhere. One of his cousins recently recalled the picture of young Winthrop lying on the floor of his uncle's library devouring Scott's novels and the best English literature of that day, utterly oblivious of what was passing around him.

Mr. Winthrop received his early education in the private school of Mr. John Adam Weisse,<sup>1</sup> in Roxbury, at whose establishment he was a boarding pupil from 1840 to 1847, when he went abroad with his father. Of this, their first, visit to Europe, the son thus speaks :

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<sup>1</sup> A sketch of Mr. Weisse is in Appletons' Cyclopædia of American Biography, vi. 423. His school in Roxbury was on the northwesterly side of Hawthorne Street, on an estate subsequently owned by Roland Worthington. John Chandler Bancroft (H. C. 1854) and the Rev. Dr. Alfred Porter Putnam (B. U. 1848) were also pupils of Mr. Weisse between 1840 and 1847. Nicholas Weisse, Sr., of Roxbury was his brother. Mr. John A. Weisse married, 27 June, 1841, Jane Lee, daughter of William Hunt (H. C. 1768), of Watertown, Massachusetts, and his wife Jane, daughter of George and Mary (Faneuil) Bethune, of Boston. Mrs. Weisse compiled: *Records, Genealogical Charts, and Traditions of the Families of Bethune and Faneuil*, New York, 1866; *Records and Traditions of the Families of Hunt and Weisse*, New York, 1866; and *A History of the Bethune Family, Together with a Sketch of the Faneuil Family*, New York, 1884. See also W. L. G. Hunt, *Genealogy of the Name and Family of Hunt* (1863), p. 322; Bond, *Genealogies and History of Watertown*, pp. 174, 304; Roxbury, Massachusetts, *Town Records of Births*, 1843, 1845; *Baptismal Register of the First Religious Society in Roxbury*, 1844, 1847.

He had friends and relatives both in England and France, and he took with him flattering letters of introduction from Mr. Webster and Mr. Everett, which made his first experience of London society an exceptionally agreeable one. In a fragment of autobiography<sup>1</sup> privately printed by him not long before his death and now to be found in many public libraries, he gave some account of his intercourse with European celebrities at different periods, and it need only be mentioned here that among the persons of distinction of whom he was privileged to see a good deal in 1847 were the Duke of Wellington, Sir Robert Peel, the poet Rogers, the historians Thiers, Mignet, Milman, Thirlwall, and Hallam, Archbishop Whately, Bishops Wilberforce and Blomfield, Lord Lansdowne (then President of the Council), Lords Aberdeen and Stanley (both afterward prime ministers), Prince Louis Napoleon (then in exile in London), and King Louis Philippe, who twice received Mr. Winthrop informally at Neuilly.<sup>2</sup>

Returning home in the autumn of 1847 from an experience which cannot have failed to make a lasting impression upon his youthful mind, young Winthrop, then well advanced in his studies, entered the Boston Public Latin School, where his father and grandfather had been prepared for college as well as seven other members of his family, Professor John Winthrop, of the Class of 1721, who graduated at Harvard College in 1732, having been the first. In 1848 he left the school, where the course was then five years, and entered Phillips Academy, Andover, where he remained till 1850, when he entered Harvard, from which he graduated in 1854.

Of Mr. Winthrop's college life the following extracts from letters of a few of his classmates and other contemporaries will afford an interesting glimpse.

## I

For more than two years we were at the same club table at Mrs. Guthrie's in Church Street, and we were in the Hasty Pudding and Porcellian Clubs together. . . . Winthrop's rooms were at Mrs. Guthrie's, and Payson Perrin Ellis, who had rooms in the same house, Charles Thorndike, Theodore Lyman, and I were quite intimate with him. His other friends at that time, who continued to appreciate him while they

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<sup>1</sup> *Reminiscences of Foreign Travel. A Fragment of Autobiography.* Privately printed, 1894, pp. 104.

<sup>2</sup> *Memoir of Robert C. Winthrop* (1897), p. 64.

lived, were John Quincy Adams, Theodore Chase, George B. Chase, Langdon Erving, William Frick, Jr., John C. Baucroft, William S. Haseltine, James Savage, Charles Russell Lowell, William Thorndike, and S. Parkman Blake; and Charles Francis Adams, Dr. Hall Curtis, George Putnam, Robert H. Renshaw, Dr. B. Joy Jeffries, and Horace H. Furness are among the living who cared for him.

Winthrop was popular with his class; his abilities were recognized and he was made Class Orator. He had plenty of brains, but was more disposed to use them in reading than in studying what did not interest him. . . . With more work [he] could have been celebrated as a lawyer or politician in the best sense, but he preferred to read, work in his library or travel and lead the life of a cultivated gentleman. He was fond of detail, accurate and methodical and would have made a good business man had he been obliged to turn his attention in that direction. He was indolent about exercise. With a large frame he might, as his classmate Dr. Windship, the well known strong man, told him, have become an athlete, though the fashion did not then point in that direction for fame. . . . He was most loyal to his old friends and took a good deal of pains to see them.

## II

In College he made no mark as a student, although always a reader and endowed with an extraordinary memory for what he read. Here, as in after life, his bookish interests were mainly in history, especially American history. He was however indifferent to the way in which history, and indeed most other things, were then taught at Harvard; and when called up at recitation he was apt to say nothing or to say "not prepared." Once, however, the story goes, after a long series of these "not prepareds" he was called up for examination in the presence of the Visiting Committee, and at once gave a fluent talk upon the point in question for almost five minutes, and until told he need go no further.

His main distinction in the Class lay in his inherited faculty as a presiding officer. He was at the head of the two great clubs, the Porcellian and the Hasty Pudding,<sup>1</sup> and was usually selected to preside at any Class election or meeting. He belonged to neither of the Greek letter societies, and in their contests in the Hasty Pudding Club he, as President, sometimes maintained the balance of power in a salutary, if perhaps somewhat despotic, way.

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<sup>1</sup> Mr. Winthrop was also a member of the Institute of 1770, and of the M. O. F. Club, the latter long since disbanded.



## III

In college Winthrop lived rather apart. He appeared to wholly neglect his studies and except by a small circle of intimates he was very little known. In the last two years of his college course, however, he acquired a reputation as an admirable presiding officer and amateur actor in the Hasty Pudding Club, and he was always selected, as a matter of course, to preside at all festivities of the Class, both before and after graduation. He was outside of the bitter hostilities of the Class factions and was chosen Class Orator by a compromise as one whom neither faction objected to. . . . On our twenty-fifth anniversary [24 June, 1879] he gave [at Young's] a dinner to the Class at which he presided with the same felicity and charm which had characterized him in college days.

## IV

He was certainly a man of cultivation and literary distinction. . . . I remember thinking his oration witty, able, and worthy of his reputation.

## V

He was popular with his Class but not with the Faculty. . . . Katherine Winthrop whom he defended was my ancestor, and he sent me his "Defence" of her. The spirit is the same he had in college days *versus* the Faculty.

## VI

His Oration was rather more jocular and sarcastic, but at the same time more interesting, than such performances are generally apt to be. On the evening, I think it must have been, of Class Day, there was a supper in Mr. Winthrop's room, the memory of which long lasted in college; it has perhaps not yet entirely faded away.

## VII

It was his utter lack of ambition which caused his failure to take any rank, but all his classmates knew the power and force that was in him, if he could but be induced to put them forth. . . . Although he had no college rank, which is never an ultimate criterion, so deeply had his talents and ability impressed themselves upon his classmates that he was elected, almost without opposition, their Class Orator.

It was through no direct fault of his own that his degree was taken away from him. His offence in the eyes of the Faculty was that he had provided means for an entertainment on the evening of Class Day a little too lavish for the occasion. . . . The supper was given in one of the rooms of Holworthy, on the ground floor, and its distinguishing feature was that it was open to all the world and not restricted to any Class. The Faculty, I believe, looked upon it as an act of bravado on Winthrop's part. No thought of this, I am sure, entered Winthrop's mind. It was merely done in the exuberance of his gratitude to his classmates for having elected him their Orator, — an election which, it was said, keenly gratified his father.

The withholding of Mr. Winthrop's first degree was only temporary, and it was conferred at the next Commencement, in 1855. He received his Master's degree in 1858.

After Mr. Winthrop's death, one of his classmates prepared for the College Class Book a brief sketch from which the following extracts are taken :

Robert C. Winthrop, Jr. would have been more at place in Cambridge after the College became a liberal University.

Placed so that he was free to follow the bent of his mind and the interests surrounding his position, he developed his critical acumen and became a very interested and interesting member of the genealogical and historical societies of his State and City.

Those of his Class who knew him well and saw him often, could not but have been surprised in later years at the recital of his pleasant Cambridge reminiscences, called up by talk of the past.

If he and the Faculty never exactly agreed, he and his Classmates always did, as shown by the prominence they accorded him so readily. The Faculty seemed never quite to understand him, the Class did, most loyally.

After graduation, Mr. Winthrop spent a year in the Harvard Law School under Professors Joel Parker and Theophilus Parsons and then entered the law office of our late associate Mr. Leverett Saltonstall. He was admitted to the Suffolk Bar in 1857, but never practised.

On the fifteenth of October, 1857, Mr. Winthrop was married in Boston to Frances Pickering Adams, youngest daughter of Mr. Benjamin Adams, and immediately sailed for Europe. Till Mrs.

Winthrop's death, their time was passed in travelling, the winters being spent in the south of France, Malta, and Italy, while the summers were devoted to Paris, England, and Germany. Mrs. Winthrop died, childless, in Rome on the twenty-third of April, 1860, at the age of twenty-four. Early in the following summer Mr. Winthrop returned to America, and from that time till 1866 he made frequent short trips to Europe, generally confining his travels to France and England. In the autumn of 1866 he again went abroad, remaining two years, during which, in addition to long stays in Paris, he visited Spain, Portugal, Russia, and Italy. Besides travel and sightseeing, Mr. Winthrop found time while in Europe for the study of languages and to familiarize himself with European politics, of which his knowledge was thorough. One of his contemporaries writes:

With the history of modern Europe, especially on its family and genealogical side, he was as familiar as with that of America. The *Almanach de Gotha* he had at his fingers' end, almost at his tongue's end, and he was apt to reply to any question, "You will find that in the *Almanach*."

Mr. Winthrop was a good French scholar, and his command of Spanish and Italian was sufficient for all purposes of travel and sightseeing. A connoisseur in art, he knew little of music, although he enjoyed the opera. As a young man and in early middle life he was an inveterate theatre-goer; later, however, he cared only for really fine acting; but whenever there was a good French company in Boston, he rarely missed a single performance.

On the first of June, 1869, Mr. Winthrop was married in Boston to Elizabeth Mason, eldest daughter of Mr. Robert Means Mason and granddaughter of the Hon. Jeremiah Mason, the greatest lawyer of New England in his day, who was also a Senator of the United States from New Hampshire. In the following July, Mr. and Mrs. Winthrop went to Europe where they remained till September, 1871, travelling in Great Britain, France, Italy, and Germany. In the autumn of 1872 they established themselves at No. 37½ Beacon Street, Boston, where they passed their winters till 1884, when they removed to No. 10 Walnut Street. Their summers were passed in various places till 1896, when they occupied the house at Manchester-by-the-Sea which they began to build in 1894.

On returning to Boston Mr. Winthrop found abundant leisure to pursue his literary and historical studies, and during the next few years he was welcomed to fellowship in some of the leading clubs and societies. He had been a member of the Somerset Club since his graduation from Harvard; and now he also found enjoyment in the meetings of the Wednesday Evening Club, organized in Boston as early as 1777, and of the Essex County Club, to which he belonged from its formation. In 1886 he was elected a member of the New England Historic Genealogical Society. On its reorganization in 1889, he was elected a member of the Council for three years and rendered efficient service. From 1891 till 1902 he served on the Committee on English Research, and he was also a working member of other important committees. When the Consolidated Index of the first fifty volumes of the New England Historical and Genealogical Register was undertaken, he made a generous contribution toward its cost. He was also a member of the Bostonian Society.

It was to the work of the Massachusetts Historical Society, however, that for nearly a quarter of a century Mr. Winthrop devoted his best energies. His connection with that venerable organization is well described in the following words of its President, Mr. Charles Francis Adams:

Mr. Winthrop was chosen a Resident Member, May 8, 1879, and during the presidency of his father. . . . For over twenty of the twenty-six years of his connection with the Society, Mr. Winthrop was one of the most active, interested, and influential of its members. More recently, owing to a marked tendency to seclusion, — due, as he claimed, to bodily infirmities and especially to a growing imperfection of hearing, — he had ceased to attend our meetings, the last at which he was present, and in which he took characteristic part, having been that of February, 1901.

His first committee service was in 1880, in connection with the Winthrop Papers, in the preparation and publication of which he took a natural and hereditary pride. The finances of the Society were at that time in a far from flourishing state, and it was Mr. Winthrop who quietly came forward and met the cost, some \$1200, of printing the volume (Part IV.) published after he had been made a member of the committee. Subsequently, in 1889, 1892, and 1897, he served on the similar committees for the publication of Parts V. and VI. of the Winthrop Papers

and of the volume of Bowdoin and Temple Papers. Between 1886 and 1898 his service on other committees was almost continuous and never merely nominal. He was essentially a working member.

Passing to his communications and share in our proceedings, besides two lesser memoirs, that on R. M. Mason and that on David Sears, he prepared the more elaborate biography of the elder Robert C. Winthrop. This last, let me say in passing, was not only a most creditable piece of literary work, done with much judgment and good taste, but it stands in lasting evidence of that abiding and admiring respect for his father which was in him so marked a characteristic. Besides the above, the list of Mr. Winthrop's miscellaneous formal contributions . . . is too long for detailed enumeration; suffice it to say, it includes many of the most valuable as well as entertaining papers read at our meetings between 1880 and 1900. During those years no one was listened to with more instruction, certainly no one at times did so much to enliven a series of meetings not characterized, as a rule, by sallies of humor or aggressiveness of speech. Nor was his participation confined to formal papers; and the older members of the Society will bear me out in the statement that, when Mr. Winthrop took the floor, whatever degree of listlessness might before have been apparent at once disappeared from our gatherings. All was alertness and attention.

An accomplished host as well as a generous giver, to him we owe that most valuable double autograph of Governors Bradford and Winthrop which ornaments our entrance chamber, one of the most precious of the Society's possessions; and on two occasions at least, the special meeting after the death of Charles Deane and the Annual Meeting of April, 1898, he entertained the Society at his home.

Altogether, I may confidently assert that through a score of years no member of our organization was more constant in attendance, more fruitful in matter, more entertaining as well as instructive in his contributions, more generous in gift and more lavish in hospitality than was that friend and associate of fifty years whose death I to-day announce.<sup>1</sup>

While Mr. Winthrop's services to the Massachusetts Historical Society, as author and editor, were various and valuable, his great work was the Memoir of his father. This substantial volume of more than three hundred and fifty pages is remarkable for many things besides those mentioned by Mr. Adams: it is just and discriminating; notable for what it omits, both of persons and events; frank to a degree unusual in family biographies; and, when we

<sup>1</sup> 2 Proceedings of the Massachusetts Historical Society, xix. 301, 302.

remember Mr. Winthrop's filial attitude, and that certain political events ended the elder Winthrop's public career, for which he had most unusual qualifications, the reader marvels at the calm self-restraint, the perfect candor, and the absence of passion and resentment which characterize the portrayal of this period of his father's public life. Reverence and affection, the truest sympathy in his father's domestic joys and sorrows, and determination to vindicate his character from the unjust aspersions and misjudgments of political enemies and thoughtless contemporaries are everywhere apparent. One of Mr. Winthrop's early friends writes:

His after life was quiet and domestic. He kept up his historical studies, but wrote much less than his friends had hoped for. His *Life of Robert C. Winthrop* is, however, everywhere recognized as a model of biographical writing, perfectly impartial, never allowing his filial relation to interfere with a clear statement of all phases of his father's character and career.

A Classmate adds this estimate of the volume:

I think Robert Winthrop's *Memoir of his father* gives an impression of his own character and abilities. . . . I have long considered it equal to the very best biographies extant, — indeed, I cannot name another that I consider as good, — and it is quite as much a monument to the writer as to the subject. The *Defence of Katharine Winthrop*<sup>1</sup> I have not seen. . . . Except the exquisite biography of which I have already spoken, he did nothing to my knowledge which disclosed his remarkable gifts.

There was, however, another literary production of Mr. Winthrop, already mentioned, which, although in an entirely different vein from the *Memoir of his father*, is nevertheless entitled to prominent mention in any biographical notice of its author. One of our younger scholars has pronounced it "the brightest historical gem we have produced." On the cover of this pamphlet is printed, "A Few Words in Defence of An Elderly Lady," while the more

<sup>1</sup> Katharine Winthrop, born 26 September, 1664, was a daughter of Thomas Brattle, the richest merchant of his day in New England, and widow of John Eyre of Boston at the time of her marriage to Chief-Justice Wait Still Winthrop, 18 November, 1707. She died 2 August, 1725 (*Boston Record Commissioners' Reports*, ix. 91, xxviii. 17; *Sewall's Diary*, iii. 363; *Paige, History of Cambridge*, p. 499).

formal title-page runs, "A Difference of Opinion concerning the reasons why Katharine Winthrop refused to marry Chief Justice Sewall." In an Address on the Life and Character of Chief Justice Sewall, delivered in the Old South Meeting House, in October, 1884, Dr. George E. Ellis had styled Madam Winthrop a "worldly minded woman" and had intimated "that she first encouraged an old man to make her an offer of marriage and then refused him from mercenary motives." A few months later, when the Address had been printed and distributed, these passages fell under Mr. Winthrop's notice, roused his indignation, and called forth his "Defence" of the lady. This paper was read at a meeting of one of the Societies with which he was in fellowship, in February, 1885. Declaring that "sufferance is not the badge of *all* my tribe," and that "the angelic attribute of Patience has ever been imperfectly developed in my composition," Mr. Winthrop proceeded to deal with his subject in a manner peculiarly his own. As a piece of literature the paper is brilliant, discovering a sagacious insight into character, a masterly power of statement and of analysis, dry humor, keen wit, an equally keen sense of the ludicrous, generous appreciation of the worth and rights of others, pungent phrases expressive of his indignation at the injustice done to Madam Winthrop, and therewithal a rollicking good-humor which disarms at once the criticism of unprejudiced readers. The Publishing Committee of the Society, however, in the exercise of the discretion conferred upon it by the By-laws, did "not think fit" to include it in the printed Proceedings of the Society. As might have been foreseen, Mr. Winthrop promptly had his "Defence" printed at his own charge and distributed among his friends and public institutions. The pamphlet is divided into two chapters. Chapter I., "Wherein the Champion of an elderly Lady recites her Wrongs," is introduced by the exclamation of Angus —

And darest thou then  
To beard the lion in his den,  
The Douglas in his hall?

Chapter II., "Wherein an Elderly Lady's Champion unfolds a Penitential Tale," begins with a passage from the lamentations of King David —

All they that see me . . . they shoot out the lip, they shake the head.

The second chapter is, in a way, autobiographical and sheds light upon Mr. Winthrop's college career and his relations to the Faculty of which mention has been already made. It also reveals his unwillingness to conceal any shortcomings of his own, knowledge of which may be necessary to a proper understanding of his personal relation to events he is describing, — a delicious frankness, indeed, which it behooves his biographer not to forget. A portion of this chapter, which comprises Mr. Winthrop's remarks at the April meeting of the same Society, follows.

The explanation I am about to make is, as I said before, a short one; but in order to make it, I am obliged to go back to a period when some of the younger members of this Society were in their cradles, to a time — two and thirty years ago — when, as a member of the Junior Class of Harvard College, and in compliance with an official summons, I waited upon the President of the University, the lamented Dr. James Walker, to hear from his venerable lips the announcement that the College Faculty, by a unanimous vote, had awarded to me what was then known as a "Public Admonition" for an offence which, after this lapse of time, I blush to describe, and which consisted in the consumption and distribution of peanuts in the College Chapel during a Dudleian Lecture. I could not in conscience deny the charge; and I was aware that any attempt to do so would be futile, as I had not long before been credibly assured that no less competent an authority than a well-known Professor of Political Economy had personally identified a heap of shells under my seat. I ventured, however, to insinuate some slight palliation of the enormity of which I had been guilty, by pointing out that no inconsiderable portion of that Dudleian Lecture had been devoted to undermining certain religious tenets which I had from childhood been taught to reverence. Dr. Walker rejoined, in accents of unmistakable severity, although, as it seemed to me, there played across his expressive features the shadow — the momentary shadow — of a smile: "Mr. Winthrop, your conduct in this, as in some other matters, has been marked by an incorrigible want of decorum."

Well-nigh a third of a century has passed away since I was privileged to enjoy, on that and at least one other somewhat similar occasion, a few minutes of close personal intercourse with so remarkable a man; and, viewed in the light of subsequent experiences, those memorable words of his which I have just quoted seem now to me to have been instinct with a sort of prophetic pathos. Again and again have I been made the subject of such misconceptions. Endowed by nature with



the keenest appreciation of whatever is grave and solemn and respectable in this world; animated as I have long been, by an eager desire to concentrate these qualities in an eminent degree in my own person, — I yet seem, somehow or other, only to have succeeded in encountering, from time to time, a perverse disposition to attribute to me an ill-judged levity wholly foreign to my temperament. It has even been broadly hinted to me that in a communication which I felt it my duty to make to this Society at its February meeting, I was considered in some influential quarters to have transcended the very climax of previous indiscretion. And so I stand up here this afternoon, figuratively attired in sackcloth, bowing a gray head in what is intended to be a penitential attitude, indicative of contrition; and as I look around me, while I seem to discern here and there on some expressive features the shadow — the momentary shadow — of a smile, yet in my heart of hearts I realize that if some venerable lips saw fit to speak, they would only, I fear, re-echo the language of James Walker two and thirty years ago, and impute to me “an incorrigible absence of decorum.”

To those gentlemen who may not have been present at the February meeting, I will briefly explain, that I hurried here that afternoon, bursting, I may say, with what I thought a righteous indignation, — fired, as it were, by a pious zeal to vindicate the memory of an aged lady, who would, had she been able, have risen here herself before us, from her grave just below that window, the great-great-grandmother of the retiring President of this Society, whose character had been, as I conceived, somewhat cruelly bespattered in a recent pamphlet from the authoritative pen of our revered Senior Vice-President, soon, as I magnanimously hope, to be hailed by us by an even more august title.

After the meeting was over, it occurred to me to put to one of our leading members, with whom I was in casual conversation, this crucial question: “How much,” I inquired, “of what I said this afternoon would you advise me to send in for publication?” His countenance fell, — he looked at me somewhat askance, — and, taking refuge in periphrastic ambiguity, he replied: “They are likely to be very short of space in the forthcoming volume. Several memoirs have unexpectedly come in, and the Doctor is said to have prepared one more than forty pages long.” Well, I confess, such is the egregious vanity often resulting from literary composition, that for an instant I felt like exclaiming, “How hard — how hard — that this little ewe lamb of mine — this widow’s mite of a communication, so to speak — must be sacrificed because some one has unexpectedly prepared a memoir more than forty pages long!” But in a twinkling my better nature asserted its supremacy, and I said to myself, “Age before merit, — I will go home and

shear that little ewe lamb!" And I went home, and I clipped away a little here and I expurgated a little there, making a not inconsiderable reduction; and the next day, with a light heart and an easy conscience, I despatched what was left to our admirable Recording Secretary, Professor Young. Bitter, bitter deception! About a week after, I got a letter from him, couched in most courteous language, — he could pen no other, — delicately but frankly intimating to me that my little ewe lamb was a source of no small embarrassment to the Publishing Committee. One eminent member of the Society (whom he did not name) was substantially of the opinion that so misbegotten a beast had no proper place in our sheepfold. Another eminent member (whom he equally did not name) considered that, if admitted at all, the process of shearing should be continued even to the bone. A third contented himself with the general suggestion that my method of treating such subjects was hardly in accordance with the dignified traditions of this body. I took all these criticisms in good part. I realized that the gentlemen who made them could have no possible bias, that they were actuated only by a sense of duty or by a desire to promote what they believed to be the best interests of this Society. I deferred to their better judgment. I drew the sacrificial knife. I said, "I have been willing in moderation to shear, but I cannot vivisect this animal; I prefer to cut its throat." In other words, I withdrew the communication; substituting for it that half-page of innocuous manuscript which you will find printed in the volume of Proceedings this day laid upon the table.<sup>1</sup>

And here, so far as this Society is concerned, I drop the subject; merely adding that, while I freely consented to make this little sacrifice, while I was even ready to humble myself as I have done here to-day, yet I could not find it in my heart to abandon one who, as I firmly believe, has rested her defence upon my shoulders. I reflected that the pamphlet, the accuracy of passages in which I called in question, has not merely been distributed among the personal friends of its distinguished author, but that it has unquestionably found a place — a place of permanent record — on the shelves of numerous public libraries in New England and elsewhere; and I thought it only fair, only right, that the future student of provincial domestic history should be enabled to discover in some obscure and dusty corner of the same shelves another little pamphlet, issued solely upon my own responsibility, disengaging wholly the dignity of this Society, and which will embody the substance of my remarks upon this subject, accompanied, not impossibly, by some

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<sup>1</sup> Proceedings, 1884-1885, p. 379.

slight annotation. I shall be happy to send a copy of this little pamphlet to any member of the Society who may feel the smallest interest in the matter, and in the mean time I should be really grateful if any one of them — Mr. Charles Francis Adams, Jr.,<sup>1</sup> of course, necessarily excepted — would supply me with an appropriate classical quotation for my titlepage. Those I have hitherto thought of do not quite satisfy me, and I have been obliged thus far to content myself with the following sentence, or rather half-sentence, which I take from an inspired source: "And David put his hand in his bag, and drew thence a stone, and *slang* it!"

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NOTE. — An obliging person has pointed out to me, what I supposed I had made sufficiently evident, that I have not the blood of the lady of whom I have constituted myself the champion. He seems to think that because I am descended from her step-son, I must necessarily be indifferent to her good name. I can only reply that such has not been my own experience of the state of mind resulting from such family connections.

I regret to add (and I only mention it because I am afraid Dr. E. may, if I do not) that this step-son, after his father's death, became an imprudent person in money-matters. Katharine Winthrop was put to great annoyance by his delay in refunding a considerable sum she had allowed him the use of; and though she eventually got back her principal, I doubt if she ever saw a penny of her interest. I venture to hope that she may regard my activity in her behalf in the light of a tardy reimbursement; and if I am fortunate enough to obtain from her any distinct manifestation on this subject, I shall communicate it to the Society for Psychical Research.

R. C. W., JR.

Mr. Winthrop led, from preference, a retired life, and although a loyal American he took no active part in politics and held no public office. He was, however, constantly employed in important historical and biographical work of which the Memoir of his father and his Defence of Katharine Winthrop are the best fruit. He especially liked biography and was an incessant reader. While he shunned publicity and ostentation, he was most kind and obliging, particularly to strangers and historical students and scholars who called upon him for information concerning persons or events

<sup>1</sup> This reference to Mr. Adams was doubtless prompted by his Oration, entitled "A College Fetich," — a term by which he characterized the traditional study of Greek, delivered in June, 1883, before the Harvard Chapter of Phi Beta Kappa.

that might possibly be mentioned in his unrivalled collection of family papers. He was also thoughtfully kind-hearted, as is seen in the gift, after his father's death, of all his father's spectacles to one of the leading oculists of Boston, to be given to his poor patients. Like his father, Mr. Winthrop was himself very near-sighted and in consequence often passed even his most intimate friends in the street without bow or recognition of any kind, — a fact which caused him to be regarded as snobbish by persons who knew him but slightly, — an amusing misapprehension, since he was one of the most democratic of men, appreciating individuality of character in whatever walk of life he found it. One of Mr. Winthrop's friends writes:

He always had a very strong family feeling, and every Sunday night during my mother's life nothing would prevent his paying her a regular Sunday evening visit.

He certainly had remarkable talents. . . . He was a man who loved accuracy and hated nebulosity. What some people, I think, regarded as hardness on his part was a desire to prevent the possibility of future mistakes.

He also hated injustice and loved fair play.

At the Stated Meeting of this Society in March, 1901, Mr. Winthrop was elected a Resident Member. His letter to the Corresponding Secretary, in reply to the official notification of his election, follows.

10 WALNUT STREET, March 30, 1901.

DEAR MR. NOBLE, — In reply to yours of yesterday, while I appreciate the courtesy of the election you communicate I regret that I did not learn of the intention in season to excuse myself.

Many years ago I made up my mind to gradually withdraw from several Societies and Clubs whose meetings I found no leisure to attend, and to join no others thereafter. Since that time I have declined an election to the American Antiquarian Society and offered-elections to other institutions. I prefer, therefore, to adhere to this rule, but I should be sorry to be thought discourteous, or to seem wanting in goodwill to The Colonial Society of Massachusetts, to which I would gladly be of service and whose Publications I value highly.

I am, with many thanks,

Yours very truly,

R. C. WINTHROP, JR.

JOHN NOBLE, Esq.

From the organization of this Society till his death, Mr. Winthrop was one of its most loyal friends. He was deeply impressed by the research and acumen of our associate Mr. Frederick Lewis Gay shown in a communication made at our Stated Meeting in April, 1895,<sup>1</sup> in which he demonstrated that the early home in Boston (1630-1643) of Governor John Winthrop was in State Street and not at the corner of Washington and Milk Streets as had previously been supposed. Mr. Winthrop himself made two valuable contributions to our Transactions,<sup>2</sup> — (1) the family record of Judge Adam Winthrop, that enabled us to correct the inaccurate printed statement of Professor John Winthrop's birth, which had survived for nearly a century and a quarter; and (2) the valuable letters written by Governor Winthrop and the Rev. Edmund Browne to Sir Simonds D'Ewes (1633-1639), recently discovered in England. At his death Mr. Winthrop gave irrefragable proof of the sincerity of his oft-repeated professions of interest in the Society and its welfare by a testamentary bequest, — the only one he made to any institution with which he was not in fellowship or allied by family ties. It has been made a separate Fund, named for our generous benefactor, and added to the Society's endowment.

In his beautiful house in Walnut Street, adorned by a great and matchless collection of portraits of his ancestors and kinsfolk of many generations, and of his own and his father's friends among famous men, Mr. Winthrop died, in consequence of a surgical operation, in the evening of Monday the fifth of June, 1905, in his seventy-first year. The funeral was held on the following Friday in St. John's Memorial Chapel in Cambridge, built nearly thirty years before by Mrs. Winthrop's father. During the service on that beautiful summer afternoon, as the setting sun streamed through the painted windows as if in benediction upon the scene, the opening lines of one of Longfellow's sonnets involuntarily came to mind:

I stand beneath the tree, whose branches shade  
Thy western window, Chapel of St. John!  
And hear its leaves repeat their benison  
On him whose hands thy stones memorial laid.

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<sup>1</sup> Publications, iii. 86-90.

<sup>2</sup> *Ibid.*, vii. 68-80, 325 note.

Mr. Winthrop was survived by his widow, a son, Robert Mason Winthrop, a graduate of Harvard in the Class of 1895 and now Secretary of Legation at Madrid, and two daughters, Clara Bowdoin Winthrop and Margaret Tyndal Winthrop, the name of the younger being a pleasant reminder, after the lapse of nearly three centuries, of the saintly woman who for almost thirty years shared the joys and sorrows of Governor John Winthrop the elder. In his will he describes himself as "Robert Charles Winthrop, the younger of that name," having always retained the "Junior" after the death of his father. His public bequests of more than thirty thousand dollars were to the Massachusetts Historical Society, the New England Historic Genealogical Society, the Colonial Society of Massachusetts, the Bostonian Society, the Boston Episcopal Charitable Society, Bowdoin College, and Phillips Academy, Andover, the income of the last two bequests "to be used for the encouragement of the study of Greek and Latin authors." Mr. Winthrop's modesty is recognized in his two bequests to the Historical Society, both of which are to be added to existing Funds already named for those who gave them.

## ANNUAL MEETING, NOVEMBER, 1906.

THE ANNUAL MEETING was held at the University Club, 270 Beacon Street, Boston, on Wednesday, 21 November, 1906, at six o'clock in the afternoon, the President, GEORGE LYMAN KITTREDGE, LL.D., in the chair.

The Records of the last Stated Meeting were read and approved.

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<sup>1</sup> Publications, x. 365-369.

## CASH ACCOUNT.

## RECEIPTS.

Balance, 16 November, 1905 . . . . .		\$925.28
Admission Fees . . . . .	\$80.00	
Annual Assessments . . . . .	640.00	
Commutation of the Annual Assessment . . . . .	100.00	
Sales of the Society's Publications . . . . .	72.15	
University Press: overcharge refunded . . . . .	102.79	
Interest . . . . .	2,463.95	
Mortgages paid . . . . .	3,100.00	
Editor's Salary Fund . . . . .	1,250.00	7,808.89
		<u>\$8,734.17</u>

## DISBURSEMENTS.

University Press, printing . . . . .	\$1,785.75	
A. W. Elson & Co., photogravure plates and plate printing . . . . .	351.53	
Henry Mitchell, engraving . . . . .	30.50	
Julius F. Sachse, photography . . . . .	17.00	
Albert F. Hall, engrossing . . . . .	20.70	
Albert Matthews, salary as Editor of Publications . . . . .	1,000.00	
Clerk hire . . . . .	279.20	
Mary H. Rollins, indexing Volume VIII. . . . .	100.00	
William H. Hart, auditing . . . . .	5.00	
Library Bureau, index cards . . . . .	6.75	
Hill, Smith and Co., stationery . . . . .	6.75	
Boston Suburban Express and Parcel Company . . . . .	34.10	
Sawin's Express . . . . .	43.66	
Boston Storage Warehouse Company . . . . .	24.00	
Miscellaneous incidentals . . . . .	350.98	
Deposited in Charlestown Five Cents Savings Bank . . . . .	350.00	
Mortgages on improved real estate in Boston . . . . .	3,750.00	
Interest in adjustment . . . . .	35.00	\$8,190.92
Balance on deposit in State Street Trust Company, 19 November, 1906 . . . . .		543.25
		<u>\$8,734.17</u>

The Funds of the Society are invested as follows:

\$48,450.00	in First Mortgages, payable in gold coin, on improved property in Boston and Cambridge.
550.00	deposited in Charlestown Five Cents Savings Bank.
<u>\$49,000.00</u>	

## TRIAL BALANCE.

DEBITS.		
Cash . . . . .		\$548.25
Mortgages . . . . .	\$48,450.00	
Charlestown Five Cents Savings Bank . . . . .	550.00	49,000.00
		<u>\$49,548.25</u>
CREDITS.		
Income . . . . .		\$548.25
Editor's Salary Fund . . . . .	\$1,650.00	
Publication Fund . . . . .	2,500.00	
General Fund . . . . .	6,850.00	
Benjamin Apthorp Gould Memorial Fund . . . . .	10,000.00	
Edward Wheelwright Fund . . . . .	10,000.00	
Robert Charles Billings Fund . . . . .	10,000.00	
Robert Noxon Toppan Fund . . . . .	5,000.00	
Robert Charles Winthrop, Jr. Fund . . . . .	3,000.00	49,000.00
		<u>\$49,548.25</u>

HENRY H. EDES,  
*Treasurer.*

Boston, 19 November, 1906.

The Committee, consisting of Messrs. T. JEFFERSON COOLIDGE, Jr., and WALTER CABOT BAYLIES, appointed to examine the accounts of the Treasurer for the year ending 19 November, 1906, reported that the accounts had been accurately kept and were properly vouched, that the Cash Balance had been verified, and that the evidences of the Investments had been examined.

The several Reports were accepted and referred to the Committee of Publication.

Mr. WILLIAM ENDICOTT, on behalf of the Committee appointed to nominate officers for the ensuing year, presented the following list of candidates; and, a ballot being taken, these gentlemen were unanimously elected:

## PRESIDENT.

GEORGE LYMAN KITTREDGE.

## VICE-PRESIDENTS.

WILLIAM WATSON GOODWIN.

MARCUS PERRIN KNOWLTON.

## RECORDING SECRETARY.

HENRY WINCHESTER CUNNINGHAM.

## CORRESPONDING SECRETARY.

JOHN NOBLE.

## TREASURER.

HENRY HERBERT EDES.

## REGISTRAR.

FREDERICK LEWIS GAY.

## MEMBER OF THE COUNCIL FOR THREE YEARS.

HENRY LEFAVOUR.

Mr. HENRY H. EDES exhibited a photograph of the page of the Christ Church Registers, Philadelphia, on which Franklin's burial is recorded.

Mr. EDES also made the following communication :

At our Stated Meeting in January, which was almost wholly devoted to a commemoration of the bicentennial of Franklin's birth, a communication was received from Mr. Lane on Harvard College and Franklin. In it he gave the text of Franklin's diploma from the College and of the vote of the Corporation conferring the degree. It is worth mentioning that the only other Honorary degree conferred by Harvard in 1753 was that of A.M., which was given to William Johnson, a Yale graduate of the Class of 1748. Johnson was admitted to this degree (*ad eundem*) at a meeting of the Board of Overseers held on Commencement Day, 18 July, 1753. The Franklin degree was voted by the Corporation five days after Commencement, — at a meeting held on the twenty-third of July at which no other action was taken, and was confirmed by a unanimous vote of the Overseers on the following day at a meeting at which no other business was transacted.<sup>1</sup>

<sup>1</sup> Corporation Records, vii. 26 ; Records of the Board of Overseers, ii. 28. Yale conferred the M.A. degree on Franklin, 12 September, 1753. See Howard Payson Arnold's *Historic Side-Lights* (1899), pp. 66-72.

I am indebted to Mr. Albert Matthews for the following extract from the *Boston Gazette* of Tuesday, 31 July, 1753 (p. 3/1) :

On Monday last the Corporation of *Harvard-College* met at *Cambridge*, and taking into Consideration the great Genius of BENJAMIN FRANKLIN, of *Philadelphia*, Esq ; for Learning, the high Advances he has made in *Natural Philosophy*, more especially in the





PLANT SOCIETY OF MASSACHUSETTS. 19

JOSEPH B. BROWN,

100 W. CHESTER ST., CUNNINGHAM.

JOSEPH B. BROWN, SECRETARY.

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1790	Burials	Where Buried
July 5	Elizabeth Wife of John Anderson	S. P.
7	Jeremia O'Don	C. C.
9	Mary Wife of Charles Swift	C. C. Church
19	Mary Wilson	C. C.
20	Ritchard Farmer	C. C.
24	Susanna Dan <sup>r</sup> of Francis Cumjost	S. P.
29	Mary Dan <sup>r</sup> of Phillip Year	S. P.
March 12	Mary Wife of Uriah Paulenoy	S. P.
13	Ritchard Samuel	C. C.
"	Elizabeth Wife of William Mc	C. C.
14	Susanna Dan <sup>r</sup> of Ritchard Hall	C. C.
24	Isaacus Eames	C. C.
26	Doct <sup>r</sup> Abraham Choest	C. C.
April 5	Isac Coats in Coats ground	
9	Ann Dan <sup>r</sup> of Mathias Poyd's	S. P.
10	Robert Son of Edward Dunant	C. C.
19	Jacob Rutley	S. P.
"	Rachel Wife of Charles Willson Paul	S. P.
17	Grace Wife of John D Cox	Christ Church Phila
19	Doct <sup>r</sup> Benjamin Franklin	C. C.
"	Jeremiah Son of Jeremiah Totom	S. P.
23	Thomas Son of George Davis	C. C.
29	Anne Wife of George Davis	C. C.
"	William Byers	C. C.
"	Joseph Rock	S. P.
May 9	Moses Ghiselin	S. P.
16	Jonathan Talcott	C. C.
"	William Whitehead	C. C.
19	Cop <sup>t</sup> Joseph Rice	C. C.
"	William Son of James Dowling	S. P.
24	Rachel Wife of Dominick Haskings	S. P.
25	Sarah Dan <sup>r</sup> of Isaac Jones	C. C.
27	Phoebe Wife of Jacob Fox	S. P.
	Rev <sup>d</sup> Doct <sup>r</sup> White Preter	

Record of the Burial of Benjamin Franklin

Engraved for The Colonial Society of Massachusetts  
from the Register of Christ Church, Philadelphia

10/10/10

Mr. William H. Tillinghast, the Assistant Librarian of the College, to whom I am indebted for these facts, has also called my attention to an interesting note in the Corporation Records, which appears just before an entry dated 18 September, 1753, which states that "all dates from henceforward are New Style."<sup>1</sup>

While in Philadelphia, in Easter Week, in attendance upon the Franklin celebration, Dr. I. Minis Hays, the Secretary of the American Philosophical Society, showed me two letters in its cabinet relating to Franklin's election to fellowship in the American Academy of Arts and Sciences.<sup>2</sup> Dr. Hays subsequently sent me copies of these interesting documents, and I now have the pleasure of communicating them to the Society.

The text of the letters follows.

I

JAMES BOWDOIN TO BENJAMIN FRANKLIN.<sup>3</sup>

Boston Jan<sup>y</sup> 11. 1781

MY DEAR FRIEND

I had the honour of writing to you by M<sup>r</sup> Guild<sup>4</sup> some months ago.<sup>5</sup> He probably acquainted you, there was a Bill then depending in our Assembly for incorporating a philosophical Society. It has been completed, and the Society formed, under the name of the American Academy of Arts & Sciences. They have had several Meetings: and at the last, several Gentlemen of distinguished characters were put in nomination. Among them is my much esteemed Friend, the Ambassador of the American United States to the Court of France: on whose election, I hope to have the pleasure, at that time, of felicitating the Academy. In the mean time, give me leave to present to you a

---

Doctrine and Experiments of ELECTRICITY, whereby he has rendered himself justly famous in the Learned World, unanimously voted him a Degree of *Master of Arts*, which Vote was the Day following as fully confirmed by the Overseers of that Society, and on Friday the President presented him a DIPLOMA therefor.

<sup>1</sup> See Province Laws, iii. 662, 663.

<sup>2</sup> The Diploma which the Academy sent to Franklin to testify to his election to fellowship in 1781, has been reproduced for this volume and appears above, between pages 242 and 243.

<sup>3</sup> For the draught of this letter, which varies slightly from this text, see 6 Massachusetts Historical Collections, ix. 449.

<sup>4</sup> Benjamin Guild (H. C. 1769).

<sup>5</sup> Printed in 2 Proceedings of the Massachusetts Historical Society, viii. 290.

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#### REPORT OF THE TREASURER.

In compliance with the requirements of the By-Laws, the Treasurer submits his Annual Report for the year ending 19 November, 1906.

<sup>1</sup> Publications, x. 365-369.



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